

PLANNING COMMISSION

Meeting Agenda

Monday – July 14, 2014

7:00 PM

City Council Chambers – 155 NW 2nd Avenue

Commissioner Tyler Smith (Chair)

Commissioner John Savory

Commissioner John Serlet

Commissioner (Vacant)

Commissioner Shawn Hensley

Commissioner Larry Boatright

Commissioner (Vacant)

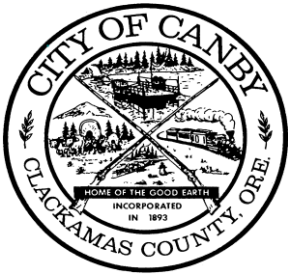
1. CALL TO ORDER
2. CITIZEN INPUT ON NON-AGENDA ITEMS
3. MINUTES
 - a. Planning Commission Minutes, June 9, 2014
 - b. Planning Commission Minutes, June 23, 2014
4. PUBLIC HEARING – None
5. FINAL DECISIONS
(Note: These are final, written versions of previous oral decisions. No public testimony.)
 - a. SUB 14-03 Eli Estates Subdivision
6. NEW BUSINESS - None
7. OLD BUSINESS
 - a. Continued from the June 23, 2014 Planning Commission meeting. Applicant is requesting a Minor Modification for the sidewalk location along NW 10th Avenue (MOD 14-01)
8. ITEMS OF INTEREST/REPORT FROM STAFF
 - a. Next Planning Commission meeting Monday, July 28, 2014
9. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION
9. ADJOURNMENT

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001.

A copy of this agenda can be found on the City's web page at www.ci.canby.or.us

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For a schedule of the playback times, please call 503-263-6287.



PLANNING COMMISSION

Minutes

Monday, June 9, 2014

7:00 PM

City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners Tyler Smith, Shawn Hensley, John Savory, John Serlet, and Larry Boatright

STAFF: Bryan Brown, Planning Director, Angie Lehnert, Associate Planner, and Laney Fouse, Planning Staff

OTHERS: Connie Vicker, Ray Franz, Pat Sisul, Ralph Netter, Morgan Will, Gordon Root, Rick Waible, Dan Stoller, and Mary Stoller

1. CALL TO ORDER

Chair Smith called the meeting to order at 7:00 pm.

2. CITIZEN INPUT ON NON-AGENDA ITEMS – None.

3. MINUTES

- a. Approval of the May 12, 2014 Planning Commission Minutes

Motion: A motion was made by Commissioner Hensley to approve the May 12, 2014 minutes as written, Commissioner Savory seconded. Motion passed 5/0.

- b. Approval of the May 28, 2014 Planning Commission Minutes

Chair Smith wanted staff to confirm the final findings were approved by consensus instead of a vote. There should be a vote on final findings.

Motion: A motion was made by Commissioner Serlet to approve the May 28, 2014 minutes as written, Commissioner Hensley seconded. Motion passed 5/0.

4. PUBLIC HEARING

- a. Consider a request from Ray N. Franz and Connie E. Vicker for approval to: 1) Annex 4.47 acres of real property and .15 acres of North Pine Street right-of-way; 2) Change the zone district from Clackamas County RRFF-5 (Rural Residential Farm Forest) to City of Canby R-1 Low Density Residential for property at 1546 North Pine Street, and 3) Approve a Development Agreement to be recorded and run as a covenant with the land (**ANN 14-01/ZC 14-01**).

Chair Smith read the public hearing format. The Commissioners had no conflict of interest or ex parte contact to declare.

Angie Lehnert, Associate Planner, entered her staff report into the record. She clarified the zone district was currently RRFF-5 (Rural Residential Farm Forest). The proposed property was 4.47 acres to be zoned R-1 and .15 acres

for a half street improvement on Pine. This was a Type 4 application that required final approval from Council. The annexation would allow development of 18-19 single family residences. The submitted traffic study did not find any significant issues. A neighborhood meeting was held and the primary concern was a desire for the land not to be developed into apartments, which was not possible in an R-1 zone. The Code required a Development Agreement for this property. The applicant submitted an Agreement which would ensure that 16th and Plum Court would be extended, addressed public facilities, Park SDCs would be assessed in lieu of putting in a park, and the property would have to go through a subdivision process after it was annexed. Half street improvements would be required on Pine at the time of development. Citizens commented that they would like to see a pathway to the Logging Road be developed, and that was a decision to be made at the subdivision stage. Utility providers did not raise any concerns about utilities. The City currently had about a year's supply of platted lots based on today's rate of demand. That was not taking into account other subdivisions which were not platted yet but had recently been approved or property which had not yet been annexed. This property had not been farmed for years and was not large enough to be a viable farm. Staff recommended approval.

Chair Smith opened the public hearing.

Applicant:

Pat Sisul, Sisul Engineering, was representing the applicants. This was an area in transition from rural to urban and now was the time to bring this property into the City. There was a house on the property, but it was mainly pasture and in an area of low density residential housing. The one comment they heard at the neighborhood meeting was residents did not want an apartment complex and the neighborhood was assured the property would be annexed as R-1. He discussed the buildable lands analysis they had done for this application. Canby had about a 10 month supply of plated lots in the single family zones. There were a lot of steps from getting through the annexation process to getting homes built on the ground. Homes in this subdivision would not be able to be built until late 2015. There was a shortage of land in the City and they were still well below the three year supply even with a few subdivisions coming in. The development plan would include a new street, 16th Avenue, extension of Plum Court, and a pedestrian walkway, although staff discouraged the pedestrian walkway as it was not needed and could be difficult to maintain. He explained the anticipated street plan of the adjacent Beck property that would connect to Plum Court and have a pedestrian connection to the Logging Road Trail. The property could be served by utilities in Pine Street and the Logging Road Trail. Storm drainage would be handled by the North Redwood Advanced Financing District. This was currently the last property in the County on the east side of Pine Street. The timing was right to bring this into the City.

Proponents:

Gordon Root with the Stafford Land Company presently has a contract for purchase of the Beck Property. They were going to submit an application for 19 lots and would be including a connection to the Logging Road Trail and extending properties to serve this site. He thought this would be an excellent annexation to continue to meet the City's buildable land supply.

There were no opponents, neutral testimony, or rebuttal.

Chair Smith closed the public hearing at 7:36 pm.

Motion: *A motion was made by Commissioner Savory to recommend approval of ANN 14-01/ZC 14-01 to the City Council, Commissioner Hensley seconded. Motion passed 5/0.*

The written findings would be brought back to the next meeting.

Chair Smith was in support of the annexation and liked that some of the lots were planned to be larger.

- b. Consider a request from Daniel & Mary Stoller, Geraldine K. Marcum, Jerry & Cynthia Rice, Ralph A. Netter, and Hugh & Roberta Boyle for approval to: 1) Annex 31.10 acres of real property and .50 acres of SE 13th Avenue right of way; 2) Change the zone district from Clackamas County Exclusive Farm Use (EFU) to City of Canby R-1 Low Density Residential and R-1.5 Medium Density Residential for property located North of SE 13th Avenue, east of South Teakwood Street and west of the Logging Road Trail & the Sequoia Parkway Extension, and 3) adopt a Development Concept Plan (**ANN 14-02/ZC 14-02**).

Chair Smith read the public hearing format. The Commissioners had no conflict of interest and no ex parte contact to declare. Commissioner Boatright lived nearby and Chair Smith jogged near the site.

Bryan Brown, Planning Director, entered his staff report into the record. This was a large annexation with five different property owners. He explained that two of the tax lots were proposed to be R-1 Low Density Residential while the rest would be R-1.5 Medium Density Residential. A park was being proposed on the largest lot owned by the Stollers which had easy connections to the Logging Road Trail and to the nearby school. He reviewed the approval criteria. A Development Concept Plan was required and all necessary public utilities were either existing or would be made available by the developer. This particular property would need a new sanitary lift station developed to serve this part of town. There could be a timing issue for when the property was annexed and when they wanted to develop as to whether the Master planned permanent lift station would be in place, or the developer would construct a temporary lift

station to meet their needs. A traffic study was done, however there was flexibility regarding how many units would be developed and where they would be placed. That was why the Development Concept Plan was so important that if there were several developers over time, the development would fit together in an efficient development. The Concept Plan was very thorough and met all of the Transportation System Plan proposals for connectivity. The proposal is for a 3.42 acre park, however there has been some recent concern about obtaining additional park land due to the most recent City proposed budget which is to reduce two park maintenance employees and the resulting ability to maintain future parks. However, the City needs to take advantage of opportunities for acquiring new park land when there are willing land owners in areas identified as needing parks that have great assets to contribute to the City's park system. If the properties are annexed, the future park location will be locked in through adoption of the Development Concept Plan with the annexation. There were existing homes on the properties and as they are redeveloped those homes would more than likely be removed. There was a need for more buildable land in the City. Staff recommended approval of the annexation, Development Concept Plan, and assigning the R-1 and R-1.5 zoning.

Commissioner Savory asked about the expense of building a temporary lift station as opposed to building a permanent one.

Mr. Brown explained if the property was to be developed right away, a temporary lift station would need to be sited and built. The City had not yet secured the property for the permanent lift station indicated in the Master sewer plan. The developer has the ability to put the temporary one in immediately if the development needed it. A permanent lift station would eventually be built, but was expensive and additional development would need to come online before it was justified. It was unclear if the applicant was going to pay for the temporary lift station or the City or exactly where it would be sited, but it would likely be near the Logging Road Trail or on the developers property.

Chair Smith opened the public hearing.

Applicant:

Pat Sisul of Sisul Engineering was representing the applicants. He explained the annexation consisted of five of the six properties in the Development Concept Plan area. The sixth property was not proposing annexation at this time, but was included in the Development Concept Plan. If the annexation should fail, the Development Concept Plan would still be in effect and would not have to be redone. The Development Concept Plan was designed so development could move forward by individual tax lots or as a whole, with each of the north/south main access streets located on a single tax lot so a single property owner could develop without the neighboring owner should the properties not be all annexed or developed together. He discussed the area surrounding the annexation, buildable lands inventory, proposed zoning, existing conditions on the site, street plan and

connections, storm drainage which would be dry wells, and sewer and water connections.

The Sewer Master Plan called for a permanent pump station at the intersection of 13th Avenue and Mulino Road. It was meant to serve a large area of the City. It was understood the land owners would pay for a temporary sanitary sewer pump station to serve their development if an industrial development had not yet triggered the City's installation of a permanent lift station. They would prepay the System Development Charges to finance the construction of the temporary lift station. The temporary station would be constructed at the corner of Sequoia Parkway and 13th Avenue.

The proposed 3.42 acre park was meant to be a passive park for walking and riding bikes, not for a playground or ball fields. The park was sized to provide for approximately 127 lots which would receive an equivalent Park SDC credit in lieu of the value of the park dedication. He explained the proposed design of the park.

Testimony from Mr. Sisul indicated that more than 10 years back, Canby was issuing over 100 single family permits per year. The more recent history provided by staff indicated an approximate 45 lot per year average consumption rate with a high of 201 in 2006 and only 4 permits in both 2008 and 2009. Based on the information Mr. Sisul collected the number of platted residential lots remaining from City records and concluded the current available platted lot supply was well less than one-year and clearly fell under the 3-year buildable supply considered by City policy to be adequate when considering annexation applications.

Proponents:

Gordon Root from Stafford Land Development Company liked working in Canby which was just out of reach of Metro where larger lots and single level homes could be built. The annexation was necessary to help promote a better jobs and housing balance which was key to filling up the Pioneer Industrial Park. It also provided a diversity of housing mix. It would be developed in phases and there was a housing demand. He thought the annexation should go forward.

Ralph Netter, applicant, commended Mr. Sisul for keeping the property owners working together. He had owned his property for several years and there had been interest from developers trying to purchase it and bring it into the City earlier. Since then there had been annexations and the City was on three sides of the property. He questioned with the cuts in the City's budget if the park could be maintained. There was an option to make the park smaller. Regarding the pump station, he thought development on the property would be slow and in phases which meant a temporary station would need to be installed unless an industrial property developed. He thought now was the right time to annex the property.

Dan Stoller, applicant, made comments indicating that annexation and eventual development of this area would help to provide improved safety for those utilizing the Logging Road Trail as they circled down along SE 13th Avenue. Sidewalks, lighting, and reduced speeds would be huge benefits to the neighborhood.

Mary Stoller, applicant, thought by having a nice development area like this it would provide additional tax revenues for the schools and enhance the school system. She was looking forward to the park and was excited to go forward.

There were no opponents or neutral testimony.

Mr. Sisul offered a rebuttal. This was a good mix of R-1 and R-1.5 and in the buildable lands analysis there were only seven lots of R-1.5 available as of February. There was always a shortage of R-1.5 lots in Canby. Regarding the option of making the park smaller, the budget issue came up after the application was submitted. If the Planning Commission felt park maintenance was an issue, there was an alternative plan for a 1.2 acre park. It was going to be a passive park with one restroom and would be low maintenance.

Chair Smith closed the public hearing at 8:46 pm.

Commissioner Hensley asked if the park issue was in the purview of the Commission to decide.

Mr. Brown said the location fit with the Parks Master Plan. They were enthusiastic about the option of getting a larger park as a resource to bank until it could be adequately developed and maintained. The Commission could also support the smaller park because it fit within the Parks Master Plan to have one in this location.

Chair Smith thought if the owners were willing to dedicate the land, he was in favor of making it as big as possible.

The consensus was in favor of the larger park.

Commissioner Savory said the restroom facility was inadequate, but did not know if it should be addressed at this time. He thought the restroom should be gender specific.

Chair Smith stated that decision would come later.

***Motion:** A motion was made by Commissioner Savory to recommend approval of ANN 14-02/ZC 14-02 to the City Council, Commissioner Serlet seconded. Motion passed 5/0.*

5. NEW BUSINESS – None.

6. FINAL DECISIONS – None.

7. ITEMS OF INTEREST/REPORT FROM STAFF

- a. *Next Planning Commission meeting scheduled for Monday, June 23, 2014*
 - *Eli Subdivision (SUB 14-03)*
 - *Final Findings – Annexations*
- b. *Canby Square (Pre-App held June 4, 2014)*
- c. *Faist Subdivision (Neighborhood meeting held June 4, 2014)*
- d. *Beck Subdivision (Neighborhood meeting scheduled for June 12, 2014)*

Mr. Brown reviewed the agenda items scheduled for the June 23 meeting, redevelopment in Canby Square, and upcoming subdivision applications.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION -

None.

9. ADJOURNMENT - Chair Smith adjourned the meeting at 8:55 pm.

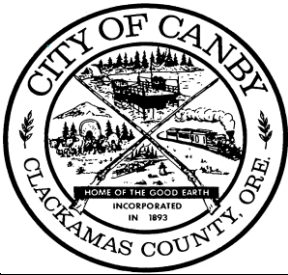
The undersigned certify the June 9, 2014 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 14th day of July, 2014

Bryan Brown, Planning Director

Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood



PLANNING COMMISSION

Meeting Minutes

Monday – June 23, 2014

7:00 PM

City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners Tyler Smith, John Savory, John Serlet and Larry Boatright

ABSENT: Commissioner Shawn Hensley

STAFF: Bryan Brown, Planning Director, and Laney Fouse, Planning Staff

OTHERS: Pat Sisul, Ed Netter, Travis McRobbie, Fred Kahut and Councilor Ken Rider

1. CALL TO ORDER

Chair Smith called the meeting to order at 7:02 pm.

2. CITIZEN INPUT ON NON-AGENDA ITEMS – None.

3. PUBLIC HEARING

- a. *The applicant is requesting approval of Eli Estates, a 1.65 acre subdivision for 10 lots, located at 1550 S. Ivy Street, on the east side of S. Ivy Street, just north of SE 16th Avenue, and zoned R-1.5 Medium Density Residential. (SUB 14-03)*

Chair Smith read the public hearing format. The Commissioners stated they had no conflict of interest to declare, except Commissioner Boatright whose daughter was a friend and babysitter for the applicants, but it would have no effect on his decision. The Commissioners had no ex parte contact to declare.

Bryan Brown, Planning Director, entered his staff report into the record. The Eli Estates Subdivision was on 1.65 acres located on South Ivy. The zoning is R-1.5. The frontage on Ivy Street was in the County's jurisdiction, but they were utilizing the City's street improvement standards for an arterial roadway and the County was satisfied that it met their requirements as well. He explained the access on the property, sidewalks and planter strips to be constructed, and stated there were no proposed street trees on S. Ivy since there was not adequate right-of-way to provide a planter strip. There would be a continued Ivy Street frontage wall to match the existing wall to the south. There was no Homeowners Association proposed as there was no open space provided and drainage would be handled in the public road through a new dry well. There was an issue to address regarding assuring who would be responsible for the long term maintenance of the wall and private driveway, therefore staff added a condition of approval that a maintenance agreement proposed for lots 3-8 that fronted the private drive also include the wall for those lots it is adjacent to. There would be half street improvements for S Ivy Street and no additional right of way is being required. Internal traffic signage was also required. Infill standards did not apply to any of the lots in this subdivision because it did not meet the Code requirements for infill. The street lighting plan would be drawn up by Canby Utility prior to the final plat recordation. The applicants were encouraged to use the most energy efficient lighting.

Chair Smith wanted staff to clarify the statement that the Commission recently interpreted that outdoor lighting standards were not applicable in subdivisions. He thought the statement the Commission made was they were not applicable to street lighting.

Mr. Brown said there was a last minute change to the tentative plat to attach Tract C on the adjacent plat to become a part of this plat through a purchase agreement between the two developers. Staff is very supportive of this proposal and does not see any issues or concerns with doing so. Staff recommended approval of the subdivision with the addition of Tract C with conditions of approval as listed. Brown clarified for Chair Smith that the Street Tree provisions of the Tree Ordinance were being applied along the internal subdivision streets without exception, but street trees were not planned on the frontage of S. Ivy Street because there was no room for them since additional right-of-way dedication was determined to not be appropriate.

Chair Smith opened the public hearing.

Applicant:

Pat Sisul, Sisul Engineering, was representing the applicant. This application was similar to the Dinsmore Estates application. The property had one new house proposed to stay, and an older home and outbuildings that would be removed. In Dinsmore Estates Phase 1 there was a masonry wall on the frontage. They were straight walls with no articulation for street trees. For this development the plan was to construct a similar wall that would tie the properties together for a seamless frontage along Ivy. There would be one break in the wall to allow for pedestrian access. Regarding Tract C, there was finally agreement on the price and the plat was changed to reflect this addition. It would help with the lot layout of the subdivision. He explained the proposed street layout and sidewalks and curbs planned on Ivy. There was not enough room for street trees between the sidewalk and wall and the applicant would rather not jog the wall for street trees. There would be a 15 foot wide street side setback and trees could be put behind the wall on lots 4 and 5. Regarding the maintenance of the private driveway, there would be a maintenance agreement recorded with the plat on lots 3-8 who have access on the driveway.

Commissioner Savory asked how the maintenance agreement was enforced. Mr. Sisul responded there was a legal document recorded with the plat which explained if a party was not cooperating how it would be enforced. It would not involve the City, but be a neighbor dispute with litigation. The wall would be maintained like a fence along the property line.

Mr. Brown said there was concern about the wall maintenance if there was no agreement.

Mr. Sisul would put a maintenance agreement together for the future owners of lots 4 and 5. Regarding lighting, he expected the subdivision would use LED lighting. He explained the storm water management and utility connections for the subdivision. Bollards would be put at the end of the pedestrian access at Ivy mainly for bicycle safety. The subdivision would provide 9 new R-1.5 lots. Regarding condition of approval #39, it stated the applicant had one year to record the plat with Clackamas County, and he thought that was in error. City Code section 16.68.020 stated that a plat needed to be submitted to the City within one year and the applicant could get extensions beyond that. He asked for the condition to be reworded.

There were no proponents, opponents, neutral testimony, or rebuttal.

Chair Smith closed the public hearing at 7:51 pm.

Commissioner Savory had concerns about the maintenance agreement.

Mr. Brown said the only thing the City could do was to have a legal document that specified the residents were responsible for the private road and the wall, not the City, and if there was a problem they would fight it out among themselves, and the City would not be involved.

Chair Smith had concerns about the vagueness of condition #4, the applicant shall address all comments made in the City Engineer's memorandum. Addressing them did not mean coming to an agreement.

Mr. Brown explained those requirements were technical in nature and showed up on the construction drawings and were difficult to deal with in the conditions.

Chair Smith asked how they would handle condition #39. Mr. Brown agreed with Mr. Sisul's comments and recommended modifying the condition.

There was discussion regarding modifications to the conditions.

Motion: A motion was made by Commissioner Savory to approve SUB 14-03 Eli Estates with the following changes:

- a) On page 9, under section titled Chapter 16.43 Outdoor Lighting Standards, strike the word "subdivisions" and replace it with "street lighting."
- b) On page 27, Condition 4, strike "address all comments" and replace with "shall resolve to the City Engineer's reasonable satisfaction the comments made in the City Engineer's memorandum."
- c) On page 29, Condition #28, strike "shall be clearly defined to the Planning Commission's satisfaction," and replace with "A CC&R or maintenance agreement covering private maintenance of the wall bordering Lots 4 and 5 must be executed and filed in the City and recorded as appropriate."
- d) On page 30, Condition #39, strike "The subdivision plat must be recorded at Clackamas County within one year of approval of the tentative plat or the applicant must request that the Planning Director approve a six month extension for recordation of the approved final plat," and replace with "The applicant must comply with Chapter 16.68.020 Submittal of subdivision plat."
- e) On page 30, Condition #43 Fences/Walls, strike "or as modified by the Planning Commission."

Commissioner Serlet seconded the motion. Motion passed 4/0.

4. FINAL DECISIONS

- a. *ANN 14-01/ZC 14-01 North Pine Street Annexation*

Motion: A motion was made by Chair Smith to approve the final findings for ANN 14-01/ZC 14-01, Commissioner Savory seconded. Motion passed 4/0.

- b. *ANN 14-02/ZC 14-02 SE 13th Avenue Annexation*

Motion: A motion was made by Commissioner Savory to approve the final findings for ANN 14-02/ZC 14-02, Commissioner Serlet seconded. Motion passed 4/0.

5. NEW BUSINESS

- a. *Applicant is requesting a Minor Modification for the sidewalk location along NW 10th Avenue for Northwood Estates, Phase II (MOD 14-01)*

Mr. Brown said minor modifications did not require notification or the Planning Commission's approval, but he did not feel comfortable making this decision. The Planning Commission originally approved Northwood Estates Phase II with planter strips separating the sidewalk from the curb. The applicant has outlined numerous reasons not to put in planter strips in his written request to you. Some of the primary arguments were the sidewalks would connect to already existing curb tight sidewalks on 10th Avenue in each direction and there were overhead power line poles on the

north side which may interfere, and the original purposed to use the planter strips for drainage swales for street runoff was no longer needed.

There was a discussion on the definition of minor modification.

Chair Smith suggested tabling this item until the next meeting so the Commission could review the staff report and findings of the original application.

***Motion:** A motion was made by Chair Smith to table the minor modification request until their July 14, 2014 meeting, Commissioner Savory seconded. Motion passed 4/0.*

6. ITEMS OF INTEREST/REPORT FROM STAFF

- a. *Next Planning Commission meeting Monday, July 14, 2014 – no new applications for this meeting just findings for Eli Subdivision.*
- b. *Street Tree ordinance discussion if you like*
- c. *Continuation of the Northwood's sidewalk placement issue*

Mr. Brown discussed the upcoming items for the meeting of July 14. Chair Smith wanted to address the Street Tree Ordinance and when street trees were to be required on arterial streets. Mr. Brown would give a short report on the ordinance at the next meeting.

7. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None.

8. ADJOURNMENT

Chair Smith adjourned the meeting at 8:29 pm.

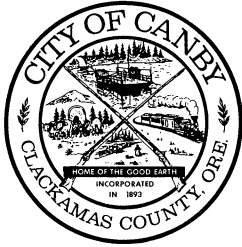
The undersigned certify the June 23, 2014 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 14th day of July, 2014

Bryan Brown, Planning Director

Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood



**BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY**

**A REQUEST FOR A SUBDIVISION)
AT 1550 S IVY STREET)**

**FINDINGS, CONCLUSION & FINAL ORDER
SUB 14-03 ELI ESTATES
ED NETTER CONSTRUCTION**

NATURE OF THE APPLICATION

The Applicant has sought an approval for a Subdivision application #SUB 14-03 consisting of a 1.65 acre subdivision for 10 lots for detached single family homes on property described as Tax Lot 5100 of Tax Map 41E04DA, Clackamas County, Oregon. This is adjacent to Dinsmore Estates West and Dinsmore Estates Phase II subdivision plats. The property is zoned R-1.5 Medium Density Residential under the Canby Municipal Code (“CMC”).

HEARINGS

The Planning Commission considered application SUB 14-03 after the duly noticed hearing on June 23, 2014 during which the Planning Commission by a 5-0 vote to approved SUB 14-03. These findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not a Subdivision application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Other applicable code criteria and standards were reviewed in the Staff Report dated June 23, 2014 and presented at the June 23, 2014 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Subdivision application with Conditions of Approval in order to ensure that the proposed development will meet all required *City of Canby Land Development and Planning Ordinance* approval criteria.

After hearing public testimony, and closing the public hearing, the Planning Commission made the following additional findings beyond those contained in the staff report to arrive at their decision and support their recommended Conditions of Approval and the exact wording thereof:

- The Chair wished to clarify that the Planning Commission’s previous determination was that streetlights are not applicable to the lighting standards of 16.43.
- It was agreed that a private maintenance agreement would need to be recorded with the plat to assure future agreement on how to handle the maintenance of the private access road and the developer installed brick wall along the S. Ivy Street frontage to the development.
- At the chair’s suggestion, the Commission agreed the staff recommended condition #4 could be better worded to tighten it up for follow through by replacing the wording “address all comments” with “shall resolve to the City Engineer’s reasonable satisfaction the comments

made in the City Engineer's memorandum".

- It was also agreed to strike the wording in staff's condition #28 reading "shall be clearly defined to the Planning Commission's satisfaction" with new condition wording "A CC&R provision and/or maintenance agreement covering private maintenance of the wall bordering Lots 4 and 5 must be executed and filed with the City and recorded as appropriate.
- The applicant noted that staff condition #39 was worded incorrectly and staff agreed. It was suggested to replace the wording with "The applicant must comply with Chapter 16.68.020 Submittal of Subdivision Plat".
- For staff condition #43 it was agreed to strike the last part reading "or as modified by the Planning Commission".
- Staff clarified that the Development Code has a definition for "infill" development that is more specific than what might be the common usage for applying certain compatibility standards. The Commission acknowledged that the code "infill" standards were not applicable within the subdivision.

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report with modifications to the wording of some as indicated in their finding noted herein above, concluded that the Subdivision application meets all applicable approval criteria, and recommended that File #SUB 14-03 be approved with the Conditions of Approval stated in the written order below.

ORDER

The Planning Commission concludes that, with the following conditions, the application will meet the requirements for Subdivision approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **SUB 14-03** is approved, subject to the following conditions:

1. Approval of this application is based on submitted application materials and public testimony. Approval is strictly limited to the submitted proposal and is not extended to any other development of the property. Any modification of development plans not in conformance with the approval of application file #SUB 14-03, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of this *Canby Land Development and Planning Ordinance*. Approval of this application is based on the following:
 - a. Application form
 - b. Application narrative
 - c. Neighborhood meeting notice (04-11-14), mailing list and notes (04-30-14)
 - d. Traffic Impact Study by DKS Associates dated 05-21-14
 - e. Storm drainage report dated 05-22-14
 - f. Letter of Completeness 05-23-14
 - g. Sheet 1 Site Plan dated May 2014
 - h. Sheet 2 Utility Plan dated May 2014
 - i. Sheet 3 Street Profile and Street Sections dated May 2014
 - j. Sheet 4 Fence and Wall Plan May 2014
 - k. Sheet 5 Existing Conditions dated May 2014
 - l. Comments received from Hassan Ibrahim of Curran-McLeod, Inc. dated 06-04-14
 - m. Comments received from Canby Telcom dated 06-05-14
 - n. Other comments received from service providers prior to the Planning Commission meeting.

Public Improvement Conditions:

General Public Improvement Conditions:

2. Prior to the start of any public improvement work, the applicant must schedule a pre-construction conference with the city and obtain construction plan sign-off from:
 - a. City of Canby Planning
 - b. City of Canby City Engineer
 - c. Canby Public Works
 - d. Canby Fire District
 - e. Canby Utility
 - f. Clackamas County
 - g. Northwest Natural Gas
 - h. Canby Telcom
 - i. Wave Broadband
 - j. Oregon Department of Environmental Quality (DEQ)
3. The applicant shall submit engineered plans of all applicable public improvements for review at the pre-construction conference.
4. The applicant shall resolve to the City Engineer's reasonable satisfaction the comments made in the City Engineer's memorandum.
5. The development shall comply with all applicable City of Canby Public Works Design Standards.
6. The applicant must obtain from the City a Street Opening Permit if the applicant wishes to install curb cuts and driveways during the construction of public improvements so that the city may verify compliance with city access spacing standards.

Fees/Assurances:

7. All public improvements must be installed prior to the recordation of the final plat. If the applicant wishes to forgo construction of public improvements until after the recordation of the final plat, then the applicant shall pay a bond in accordance with 16.64.070(N-P) to the city as assurance for later installation.
8. If the applicant chooses to pay a bond for some or all of the required public improvements, then the applicant shall obtain a certificate from the City Engineer that states:
 - a. The applicant has complied with the requirements for bonding or otherwise assured completion of required public improvements.
 - b. The total cost or estimate of the total cost for the development of the subdivision. This is to be accompanied by a final bid estimate of the subdivider's contractor, if there is a contractor engaged to perform the work, and the certificate of the total cost estimate must be first approved by the city engineer.
9. The applicant must guarantee all public improvement work with a maintenance bond in accordance with 16.64.070(P).

10. The applicant must pay the city Master Fee authorized engineering plan review fee equal to 0.4% of public improvement costs prior to the construction of public improvements.

Streets in general

11. Per the City Engineer's memorandum dated 06-05-14 all interior streets shall be designed to City local street standards with 34-foot paved width, curbs, planters, 6' sidewalks, street lights and utilities. Sidewalks and PUE shall be wide enough to encompass both facilities.
12. S. Ivy Street is a County arterial street, the existing right of way width of 60 feet is adequate for completing the half street improvements to the east side of S Ivy Street. The half street improvements shall be built to City standards with a total 46 foot paved street width and 6 foot curb tight concrete sidewalk. An asphalt taper at a rate of 10:1 shall be constructed to match existing asphalt surface at both ends of the street. The improvements shall also include curbs, sidewalks, street lights (per CUB requirements), and utilities in conformance with section 2.207 of the City of Canby Public Works Design Standards dated June 2012. Clackamas County approval will be needed for those improvements. Details in accordance with the applicant's Sheet 3 Street Profiles and Street Sections shall be adhered to.
13. Tract A shall be constructed as shown on the applicant's Sheet 3 Street Profiles and Street Sections,
14. The common driveway (Tract A) shall have a commercial driveway approach using 6" minimum concrete thickness with reinforcements over 4" minimum of crushed rock base.

Streets, Signage & Striping:

15. A roadway striping plan shall be submitted by the applicant and shall be approved by City Engineer and by the Public Works street department prior to the construction of public improvements.
16. A roadway signage plan shall be submitted by the applicant and shall be approved by the City Engineer and by the Public Works street department prior to the construction of public improvements.
17. The roadway signage and/or striping plan shall show no parking signs and/or painted curbs within 20-feet of intersections, including within Tract A.
18. The roadway signage plan shall show signage/reflectors, similar to adjacent developments, at the termination of dead end streets (on S Juniper Street where it terminates at the property line of Tax Lot 5000).
19. Per the City Engineer's memorandum dated 06-05-14, all street names and traffic signs shall be installed by the developer as part of this development.
20. The City Engineer shall verify that street curves shall meet the requirements of 16.64.101(N), including the knuckle portion where SE 15th Place and S Juniper Street converge.

Sewer:

21. The applicant shall submit documentation of DEQ approval of sewer plans prior to the construction of public improvements.
22. Sewer plans shall resolve to the City Engineer's reasonable satisfaction any comments made in the City Engineer's memorandum dated 6-04-14.

Stormwater:

23. Stormwater systems shall be designed in compliance with the Canby Public Works Design Standards.
24. Stormwater plans shall address the comments made in the City Engineer's memorandum dated 06-04-14.
25. Plans for stormwater management for Tract A shall be completed to the satisfaction of the City Engineer.
26. The applicant shall submit documentation of DEQ approval of storm drainage plans prior to the construction of public improvements.

Landscaping

27. Street trees shall be installed by the City in accordance with the street tree ordinance, with payment of the street tree fee prior to final plat approval
28. A CC&R or maintenance agreement covering private maintenance of the wall bordering Lots 4 and 5 must be executed and filed in the City and recorded as appropriate.
29. Any landscaping within Tract A that is determined by the Planning Commission shall be installed prior to final plat approval. Responsibilities for maintenance of said landscaping shall be assigned to the property owners of Lots 3-8 and shall be reflected in deed restrictions for each lot.

Grading/Erosion Control:

30. The applicant shall submit grading and erosion control plans for approval by Canby Public Works prior to the construction of public improvements. Grading shall follow the guidelines in 16.64.015.

Miscellaneous Conditions Prior to Final Platting

32. In accordance with the City Engineer's memorandum dated 06-05-14, any existing domestic and/or irrigation wells shall be abandoned in conformance with OAR 690-220-0030. A copy of WRD abandonment shall be submitted to the City.
33. In accordance with the City Engineer's memorandum dated 06-05-14, any existing on-site sewage disposal system shall be abandoned in conformance with Clackamas County WES regulations. A copy of the septic tank removal certificate, and/or any other applicable documentation, shall be submitted to the City.
34. The sidewalk connecting the westerly terminus end of Tract A with the sidewalk on S Ivy Street shall be constructed to city standards. This sidewalk section shall be maintained by the property owners of Lots 4 and 5, but will be monitored by the City for compliance. A deed restriction assigning maintenance responsibilities shall be included for Lots 4 and 5.

Final plat conditions:

General Final Plat Conditions:

- 35.** The applicant shall apply for a final plat at the city and pay any applicable city fees to gain approval of the final subdivision plat. Prior to the recordation of the final plat at Clackamas County, it must be approved by the city and all other applicable agencies. The city will distribute the final plat to applicable agencies for comment prior to signing off on the final plat.
- 36.** All public improvements or assurances shall be made prior to the approval of the final plat.
- 37.** The final plat must contain the information required in 16.68.030, 16.68.040(B), and 16.68.050. The City Engineer and/or County Surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
- 38.** All "as built" of public improvements shall be filed at the Canby Public Works within sixty days of the completion of improvements.
- 39.** The applicant must comply with Chapter 16.68.020 Submittal of Subdivision Plat.
- 40.** The applicant shall record the final plat at Clackamas County within 6 months after the final plat is approved by the city.
- 41.** The applicant or county shall provide the city with a copy of the final plat in a timely manner after is recorded at Clackamas County, including any CC&Rs recorded in conjunction with the final plat.

Dedications

- 42.** The portions of SE 15th Place and S Juniper Street shall be dedicated to the City and all associated documentation shall be submitted to the City prior to recordation of the final plat.

Fences/Walls:

- 43.** The solid masonry wall along the frontage of S Ivy Street of Lots 4 and 5 shall be constructed as shown on Sheet 4 Fence and Wall Plan. Because there will be no HOA for Eli Estates, deed restrictions or a maintenance agreement shall be filed for Lots 4 and 5 to insure future wall maintenance responsibility.
- 44.** Any other fences and/or walls constructed on lots with the Eli Estates subdivision shall meet all City requirements and regulations.

Easements

- 45.** A 12 foot utility easement along all of the lot's street frontages shall be noted on the final plat. This easement may be combined with other easements and shall be measured from the property boundary.
- 46.** Any areas where sidewalks and planters are partially located on private property shall be noted with a sidewalk easement on the final plat. This easement may be combined with other easements and shall be measured from the property boundary.
- 47.** The final plat shall indicate that "Tract A" shall provide for vehicular, pedestrian and bicycle access, as well as for any and all public and private utilities that will serve Lots 3 through 8. It shall also be indicated that Tract A will be owned jointly by Lots 3-8, and shall be maintained by the property owners of Lots 3-8. The City shall monitor Tract A for maintenance.

Street Trees

48. The applicant shall pay the city fee for city establishment of street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code. All street tree fees shall be paid prior to the recordation of the final plat.

Monumentation/Survey Accuracy Conditions

49. Lot and perimeter monumentation shall be approved by the County Surveyor and/or the City Engineer.
50. The County Surveyor and/or the City Engineer shall verify that the standards of 16.64.070(M) are met prior to the recordation of the final plat.
51. Monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92. The City Engineer or County Surveyor shall verify compliance with this condition prior to the recordation of the final plat.
52. Installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense. The City Engineer or County Surveyor shall confirm required monuments prior to the recordation of the subdivision plat.

Residential Building Permits Conditions:

53. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
54. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home.
55. The homebuilder shall apply for a City of Canby Erosion Control Permit.
56. All residential construction shall be in accordance with applicable Public Works Design Standards,
57. On-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
58. Prior to the issuance of a City Site Plan Review permit, final construction plans must be approved by the city.
59. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction. The applicable county building permits are required prior to construction of each home.
60. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveways widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages.
All driveway spacings shall meet the requirements of the appropriate and applicable sections of the Canby Land Development and Planning Ordinance, or as approved by the City.
61. Sidewalks and planters shall be constructed by the homebuilder as shown on the approved site plans.

I CERTIFY THAT THIS ORDER approving SUB 14-03 Eli Estates was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 14 of July, 2014

 Tyler Smith
 Planning Commission Chair

 Bryan Brown
 Planning Director

 Attest

ORAL DECISION: June 23, 2014

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>	✓			
<i>John Savory</i>	✓			
<i>Shawn Hensley</i>				✓
<i>John Serlet</i>	✓			
<i>Larry Boatright</i>	✓			
<i>Vacant</i>				
<i>Vacant</i>				

WRITTEN DECISION: July 14, 2014

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>				
<i>John Savory</i>				
<i>Shawn Hensley</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Vacant</i>				
<i>Vacant</i>				



City of Canby
 Planning Department
 111 NW 2nd Avenue
 PO Box 930
 Canby, OR 97013
 (503) 266-7001

LAND USE APPLICATION

MODIFICATION

APPLICANT INFORMATION: (Check ONE box below for designated contact person regarding this application)

Applicant Name: NORTHWOOD INVESTMENTS Phone: 503-475-0431
 Address: 1127 NW 12TH AVE Email: CJM@CURRAN-MCLEOD.COM
 City/State: CANBY, OR Zip: 97013

Representative Name: CURT MCLEOD Phone: 503-475-0431
 Address: 6655 SW HAMPTON, STE 210 Email: CJM@CURRAN-MCLEOD.COM
 City/State: PORTLAND, OR Zip: 97223

Property Owner Name: NORTHWOOD INVESTMENTS Phone: 503-475-0431
 Signature: [Signature] PARTNER
 Address: 6655 SW HAMPTON, STE 210 Email: CJM@CURRAN-MCLEOD.COM
 City/State: PORTLAND, OR Zip: 97223

Property Owner Name: _____ Phone: _____
 Signature: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

- ① All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ② All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- ③ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

PROPERTY & PROJECT INFORMATION:

NW 10TH AVE - GRANT TO BIRCH 10.3 AC 31E32AD 100, 200 & 1700
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers
VACANT R1 LDR
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

LOW DENSITY SUBDIVISION DEVELOPMENT
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
MOD 14-01	6-12-14	BCB	342	
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

Northwood Estates

June 12, 2014

Mr. Bryan Brown, Planning Director
City of Canby
111 NW 2nd Avenue
Canby, OR 97013

**RE: NORTHWOOD ESTATES PHASE II
SUB 13-01 MINOR MODIFICATION REQUEST**

Dear Bryan:

We are submitting for your consideration and approval a minor modification request for the sidewalk location along NW 10th Avenue within the Northwood Estates Phase II development. The conceptual plans submitted to the Planning Commission with our original SUB 05-12 application in 2005, which became the basis of the Northwood Development Agreement, indicated the proposed sidewalk along NW 10th Avenue would be separated from the curb with a 4.5' planter strip.

This application is requesting the Planning Departments approval to construct 5' curb-tight sidewalks on NE 10th Avenue. The sidewalks will be 5' wide and routed around the existing power poles as required to maintain the 5' accessible route.

We are requesting this approval for the following reasons:

1. There is an approximate 12" to 18" grade difference between the St. Patrick's Catholic Church and the new curb along NW 10th Avenue improvements. With the planter strip requirement, an easement is required from the Church to provide for this grade difference. With a curb-tight sidewalk, the transition can be accommodated with a landscaped slope within the right-of-way.
2. Of the 92 lots along NW 10th Avenue from Ash to Pine Streets, there are currently only 13 lots that have curb-tight sidewalks and two lots have planter strips. Future retrofit of sidewalks along NE and NW 10th Avenue will be curb-tight to minimize the right-of-way acquisition needs and minimize the impact on existing established landscaping.

As a note of interest, the Public Works Department has requested, and we have incorporated into our work scope, the construction of curb-tight sidewalks on the two properties fronting onto NW 10th Avenue between the Northwood development and North Birch Street.

3. The Northwood Project is an infill project and was approved with curb-tight sidewalks throughout the four-phased 110 lot development, excepting on NW 10th Avenue. The Transportation System Plan in 2011 adopted street cross sections that allow curb-tight sidewalk. The Public Works Design Standards call out the sidewalk widths but do not mandate planter strips.

In 2005, the only method of disposing of storm water in areas where drywells could not be approved, was through the use of bioswales and percolation trenches. NW 10th Avenue did not have adequate separation from existing domestic wells to permit drywell construction, so bioswales and percolation trenches were incorporated on each side of the roadway in a proposed planter strip. This was the only reason a planter strip was proposed along NW 10th Avenue.

In 2013, DEQ approved Canby's Stormwater Master Plan that approved the use of new drywells for stormwater disposal throughout town, including on NW 10th Avenue. Drywells are the first choice of the Public Works Department due to their reliability, capacity and low maintenance. At an additional expense for development, drywells have been constructed on NW 10th Avenue and have eliminated the need for the bioswales and planter strips.

With the current mandate to provide the maximum density for residential development, lot sizes are relatively small in all new developments. The required separation from the back of sidewalks to the garage is often very restrictive. The use of curb-tight sidewalks makes it easier to meet these separation standards.

We have reviewed the previous planning actions to identify previous discussions on planter strips. The following is a brief summary of previous comments:

SUB 13-01: There are some peripheral references to planter strips in the SUB 13-01 staff report and conditions of approval. In the adopted conditions of approval in item 24 there is a requirement to provide stamped concrete in the bump out areas, which would be eliminated with curb-tight walks. In item 49 there is a reference to providing as-builts for planter strips, and then in item 58 there is a requirement to plant the street trees in the planter strip. We would not interpret these to require the planter strips, but rather, due to the presence of planter strips, as-builts and street trees are impacted.

NORTHWOOD DEVELOPMENT AGREEMENT: The 2007 executed Development Agreement makes reference to the Northwood Estates Master Plan which included some planter strips, but does not discuss planter strips specifically.

Mr. Bryan Brown
June 12, 2014
Page 2

SUB 05-12: In the 2006 SUB 05-12 Findings, Conclusions & Final Order, other than a requirement in condition 8 to provide a planting plan there are no specific requirements for a planter strip. However, SUB 05-12 makes reference to the subdivision application and conceptual plan that included planter strips.

SUBDIVISION APPLICATION: In the original development Master Plan submitted in 2005 there are several casual references to planter strips. At that time planter strips were included in the conceptual plan for various reasons. One item of interest was that planter strips were discussed at the neighborhood meeting in a positive context of providing traffic calming, and later with as a negative concern about who would maintain any planter strips.

There is essentially no construction cost difference between the two options, but in the interests of consistency and function, we are requesting approval of this modification. We have also been working closely with Sara Creel at the St Patrick's Church, and they would also prefer the curb tight walks to minimize the slope impact to their property.

We have enclosed a Modification Application with its associated fee and two preliminary plan sheets showing the proposed curb-tight sidewalks along NW 10th Avenue. Please let me know if you need anything additional for review.

Very truly yours,

NORTHWOOD INVESTMENTS

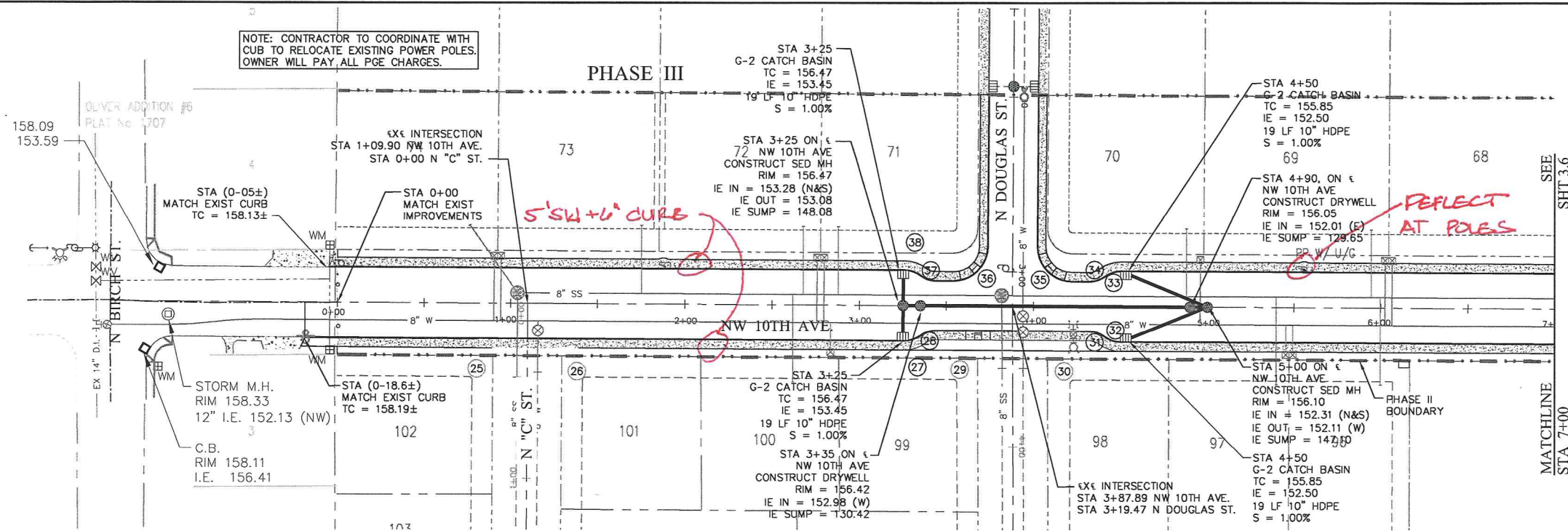


Curt J. McLeod, Partner

Enclosures: Modification Application Form
Minor Modification Fee
Preliminary Plan Sheets

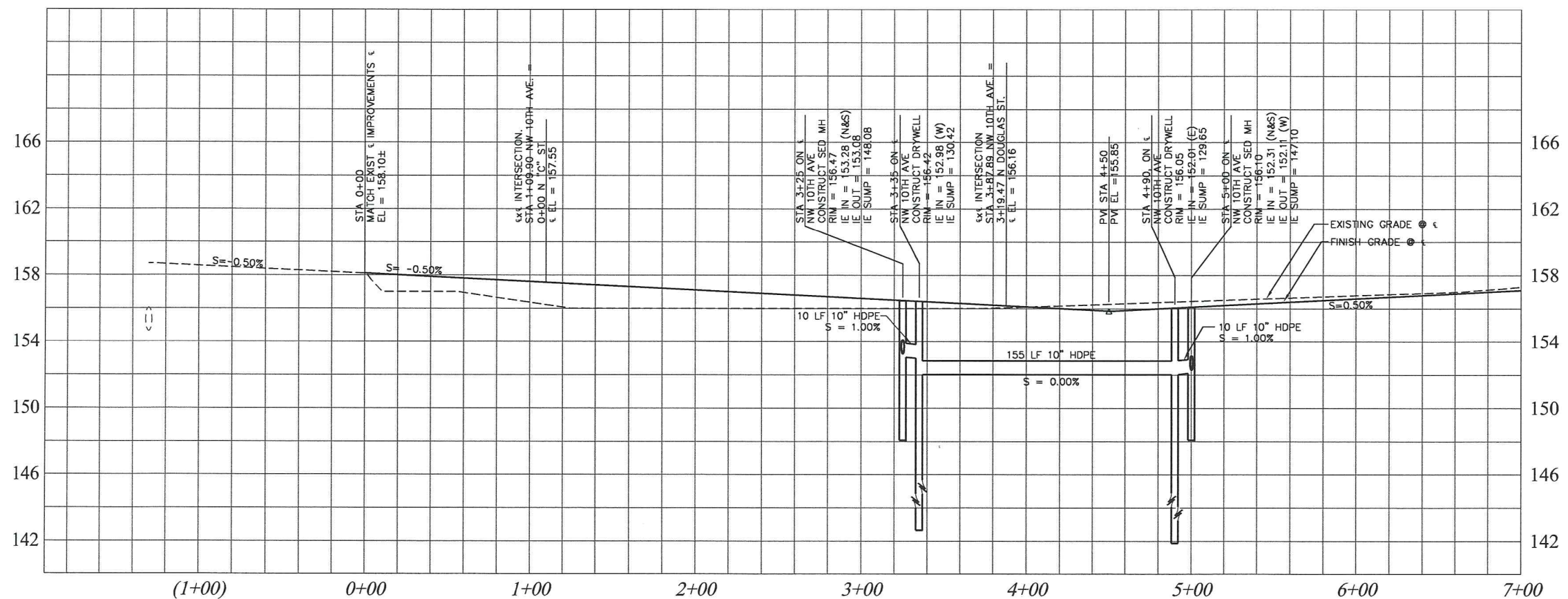
cc: Mr. Gordon Munro

NOTE: CONTRACTOR TO COORDINATE WITH CUB TO RELOCATE EXISTING POWER POLES. OWNER WILL PAY ALL PGE CHARGES.



1 NW. 10TH AVE - STREET & STORM PLAN
SCALE: 1" = 40'

2 NW. 10TH AVE - STREET & STORM PROFILE
SCALE: HORIZ. 1" = 40'
VERT. 1" = 4'



No.	RADIUS	Δ	LENGTH	CL
28	20.00'	90°01'57"	31.43'	28.29'
No.	STATION	OFFSET	T.C.	ELEVATION
28	0+75.88 PC NW 10TH AVE	20.00'		157.72
	1/4Δ			157.55
	1/2Δ			157.21
				156.84
	14.00 PT NW 10TH AVE			156.55

--- FUTURE CURVE TO BE INSTALLED UNDER PHASE IV

No.	RADIUS	Δ	LENGTH	CL
29	20.00'	89°58'03"	31.41'	28.28'
No.	STATION	OFFSET	T.C.	ELEVATION
29	0+39.98 PC NW 10TH AVE	17.00'		156.55
	1/4Δ			156.80
				157.08
				157.31
	14.00 PT NW 10TH AVE			157.38

--- FUTURE CURVE TO BE INSTALLED UNDER PHASE IV

No.	RADIUS	Δ	LENGTH	CL
30	20.00'	89°29'37"	31.16'	28.16'
No.	STATION	OFFSET	T.C.	ELEVATION
30	3+54.19 PC NW 10TH AVE	17.00'		156.48
	1/4Δ			156.34
				156.07
				155.76
	3+53.17 PT N DOUGLAS ST	14.00'		155.51

--- FUTURE CURVE TO BE INSTALLED UNDER PHASE IV

No.	RADIUS	Δ	LENGTH	CL
31	20.00'	90°30'23"	31.60'	28.41'
No.	STATION	OFFSET	T.C.	ELEVATION
31	3+53.77 PC N DOUGLAS ST	14.00'		155.50
	1/4Δ			155.70
				155.90
				156.05
	4.00 PT NW 10TH AVE	14.00'		156.14

--- FUTURE CURVE TO BE INSTALLED UNDER PHASE IV

No.	RADIUS	Δ	LENGTH	CL
27	15.00'	36°52'12"	9.65'	9.49'
No.	STATION	OFFSET	T.C.	ELEVATION
27	3+25.91 PC	20.00'		156.47
28	3+34.91 PRC	17.00'		156.50
29	3+43.91 PT	14.00'		156.53

No.	RADIUS	Δ	LENGTH	CL
31	15.00'	36°52'12"	9.65'	9.49'
No.	STATION	OFFSET	T.C.	ELEVATION
31	4+32.20 PC	14.00'		156.00
32	4+41.20 PRC	17.00'		155.93
33	4+50.20 PT	20.00'		155.85

No.	RADIUS	Δ	LENGTH	CL
33	15.00'	36°52'12"	9.65'	9.49'
No.	STATION	OFFSET	T.C.	ELEVATION
33	4+31.91 PC	14.00'		156.00
34	4+40.91 PRC	17.00'		155.93
35	4+49.91 PT	20.00'		155.85

No.	RADIUS	Δ	LENGTH	CL
33	20.00'	90°01'57"	31.43'	28.29'
No.	STATION	OFFSET	T.C.	ELEVATION
33	4+21.91 PT NW 10TH AVE	14.00'		156.14
	1/4Δ			156.17
	1/2Δ			156.16
	3/4Δ			156.09
	2+85.45 PC N DOUGLAS ST	14.00'		155.94

No.	RADIUS	Δ	LENGTH	CL
33	20.00'	89°58'03"	31.40'	28.28'
No.	STATION	OFFSET	T.C.	ELEVATION
33	2+85.49 PT N DOUGLAS ST	14.00'		155.94
	1/4Δ			156.14
	1/2Δ			156.33
	3/4Δ			156.45
	3+53.91 PC NW 10TH AVE	14.00'		156.48

No.	RADIUS	Δ	LENGTH	CL
37	15.00'	36°52'12"	9.65'	9.49'
38	15.00'	36°52'12"	9.65'	9.49'
No.	STATION	OFFSET	T.C.	ELEVATION
37	3+25.91 PC	20.00'		156.47
38	3+34.91 PRC	17.00'		156.50
39	3+43.91 PT	14.00'		156.53

PRELIMINARY

RECORD DRAWING
INFORMATION TO CREATE THIS RECORD DRAWING WAS BASED ON INFORMATION OBTAINED FROM THE CONTRACTOR AND/OR ON-SITE OBSERVATIONS.
6/30/2014

BAR IS ONE INCH ON ORIGINAL DRAWING.
ADJUST SCALE AS SHOWN ACCORDINGLY.

REV.	DESCRIPTION	REVISED BY	DATE

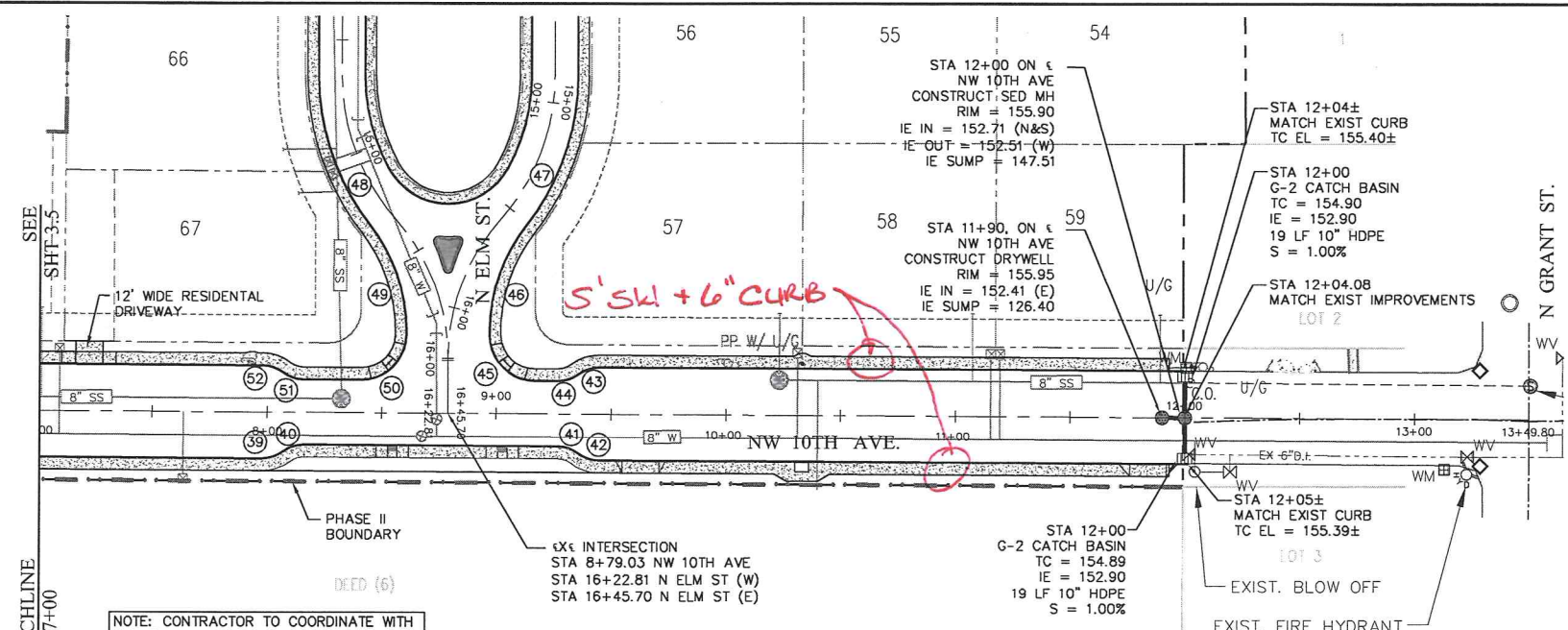


CURRAN-McLEOD, INC.
CONSULTING ENGINEERS
6655 SW HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

NORTHWOOD ESTATES, PHASE II
NW 10TH AVENUE
STREET & STORM PLAN & PROFILE
CITY OF CANBY
CLACKAMAS COUNTY, OREGON

DATE: MAR 2014
P/N: 1391 Phase II
D/S: CJM
D/S: RCO
C-291-SHEET 3-5

3.5 OF 22

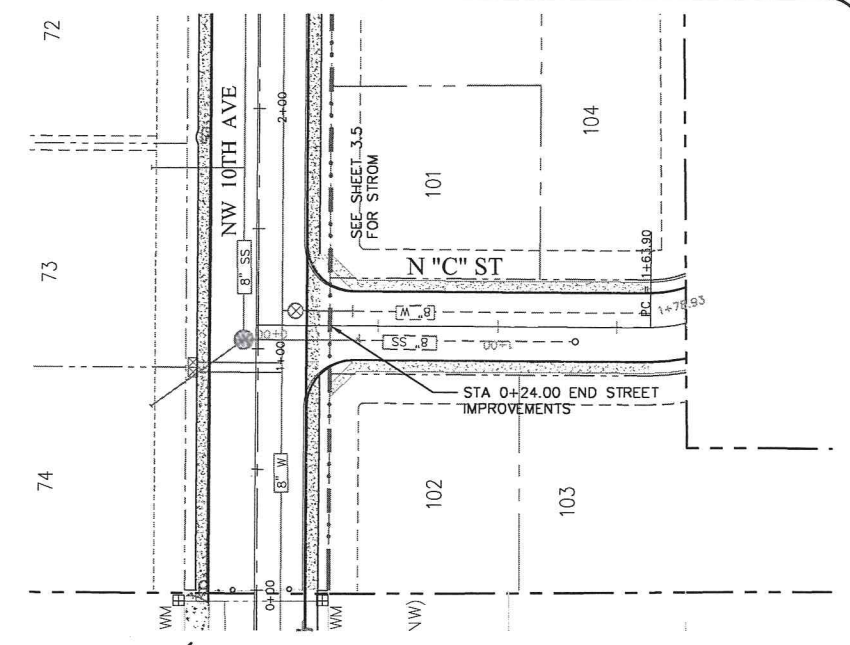


DRIVEWAY NOTE:
CENTER THE 12' WIDE DRIVEWAY IN THE MIDDLE OF 20' WIDE ACCESS EASEMENT WITH 6' WINGS

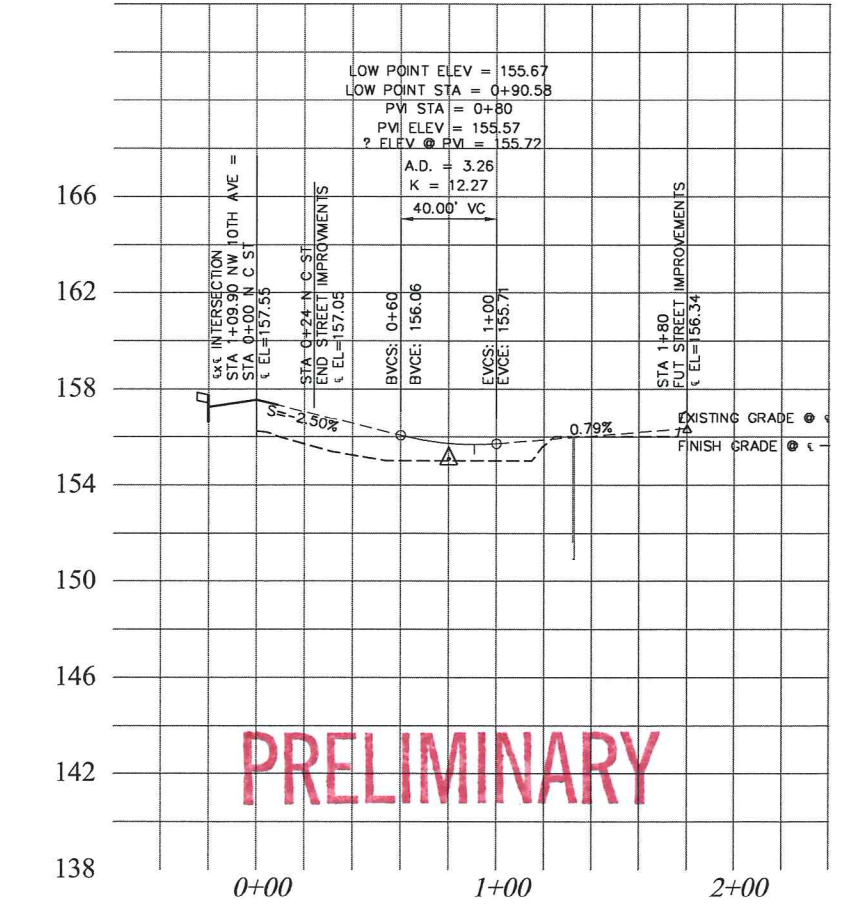
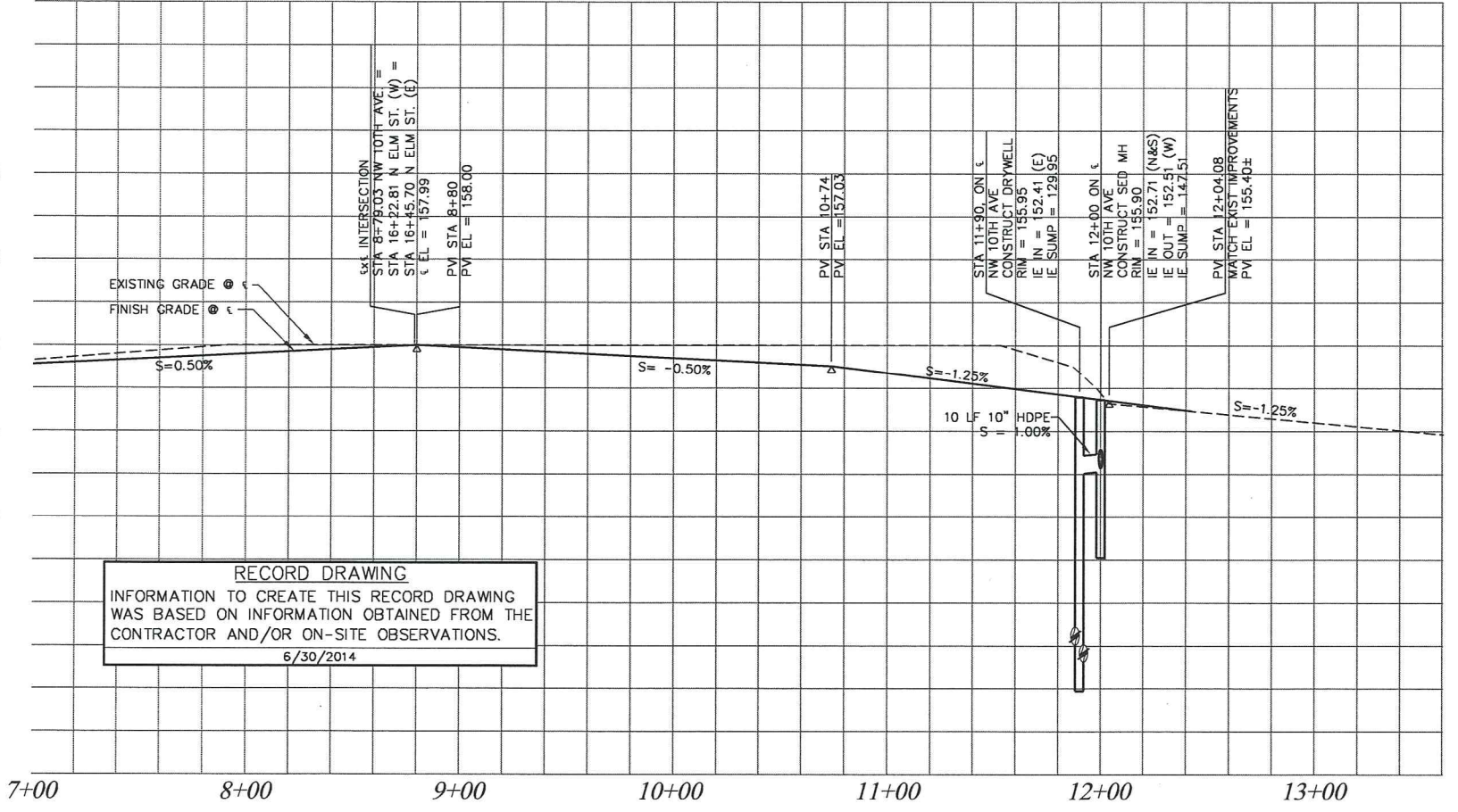


- 1. NW 10TH AVE - STREET & STORM PLAN SCALE: 1" = 40'
- 2. NW 10TH AVE - STREET & STORM PROFILE SCALE: HORIZ. 1" = 40' VERT. 1" = 4'

No.	RADIUS	Δ	LENGTH	CL	
39	15.00'	36°52'12"	9.65'	9.49'	
41	15.00'	36°52'12"	9.65'	9.49'	
No.	STATION	OFFSET	T.C. ELEVATION		
39	7+95.82	PC	20.00	RT	157.58
39/40	8+06.82	PRC	17.00	RT	157.78
40	8+15.82	PT	14.00	RT	157.83
41	15.00'	36°52'12"	9.65'	9.49'	
42	15.00'	36°52'12"	9.65'	9.49'	
No.	STATION	OFFSET	T.C. ELEVATION		
41	9+26.83	PC	14.00	RT	157.92
41/42	9+35.83	PRC	17.00	RT	157.80
42	9+44.83	PT	20.00	RT	157.68
43	15.00'	36°52'12"	9.65'	9.49'	
44	15.00'	36°52'12"	9.65'	9.49'	
No.	STATION	OFFSET	T.C. ELEVATION		
43	9+26.83	PC	14.00	LT	157.92
43/44	9+35.83	PRC	17.00	LT	157.80
44	9+44.83	PT	20.00	LT	157.68
45	20.00'	89°39'17"	31.30'	28.20'	
No.	STATION	OFFSET	T.C. ELEVATION		
45	9+16.83	PC	14.00	RT	157.97
	1/4Δ	-	-	157.94	
	1/2Δ	-	-	157.81	
	3/4Δ	-	-	157.66	
	16+09.50	PT	17.30	LT	157.55
No.	RADIUS <td>Δ<td>LENGTH<td>CL</td></td></td>	Δ <td>LENGTH<td>CL</td></td>	LENGTH <td>CL</td>	CL	
46	75.00'	38°9'54"	50.12'	49.19'	
No.	STATION	OFFSET	T.C. ELEVATION		
46	16+07.84	PT	17.11	LT	157.52
	1/4Δ	-	-	157.46	
	1/2Δ	-	-	157.39	
	3/4Δ	-	-	157.32	
	15+51.06	PRC	10.00	LT	157.25
No.	RADIUS <td>Δ<td>LENGTH<td>CL</td></td></td>	Δ <td>LENGTH<td>CL</td></td>	LENGTH <td>CL</td>	CL	
47	104.00'	38°17'13"	69.50'	68.21'	
No.	STATION	OFFSET	T.C. ELEVATION		
47	15+51.06	PC	10.00	LT	157.25
	1/4Δ	-	-	158.13	
	1/2Δ	-	-	157.00	
	3/4Δ	-	-	156.90	
	14+88.24	PC	10.00	LT	156.82
No.	RADIUS <td>Δ<td>LENGTH<td>CL</td></td></td>	Δ <td>LENGTH<td>CL</td></td>	LENGTH <td>CL</td>	CL	
48	104.00'	38°17'13"	69.50'	68.21'	
No.	STATION	OFFSET	T.C. ELEVATION		
48	14+65.35	PC	10.00	RT	156.78
	1/4Δ	-	-	156.91	
	1/2Δ	-	-	158.05	
	3/4Δ	-	-	157.15	
	15+28.16	PRC	10.00	RT	157.28
No.	RADIUS <td>Δ<td>LENGTH<td>CL</td></td></td>	Δ <td>LENGTH<td>CL</td></td>	LENGTH <td>CL</td>	CL	
49	75.00'	38°17'13"	50.12'	49.19'	
No.	STATION	OFFSET	T.C. ELEVATION		
49	15+28.16	PC	10.00	RT	157.28
	1/4Δ	-	-	157.33	
	1/2Δ	-	-	157.41	
	3/4Δ	-	-	157.49	
	15+85.00	PT	17.11	RT	157.56



- 3. N C ST - STREET & STORM PLAN SCALE: 1" = 40'
- 4. N C ST - STREET & STORM PROFILE SCALE: HORIZ. 1" = 40' VERT. 1" = 4'



No.	RADIUS	Δ	LENGTH	CL	
49	20.00'	90°20'43"	31.53'	28.37'	
No.	STATION	OFFSET	T.C. ELEVATION		
49	15+86.04	PT	17.24	RT	157.57
	1/4Δ	-	-	157.67	
	1/2Δ	-	-	157.82	
	3/4Δ	-	-	157.93	
	8+40.82	PC	14.00	LT	157.96

No.	RADIUS	Δ	LENGTH	CL	
50	15.00'	36°52'12"	9.65'	9.49'	
52	15.00'	36°52'12"	9.65'	9.49'	
No.	STATION	OFFSET	T.C. ELEVATION		
50	7+97.82	PC	20.00	LT	157.58
50/52	8+06.82	PRC	17.00	LT	157.78
52	8+15.82	PT	14.00	LT	157.83

BAR IS ONE INCH ON ORIGINAL DRAWING.
ADJUST SCALE AS SHOWN ACCORDINGLY.

REVISION Page 28

REV.	DESCRIPTION	REVISED BY	DATE

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS
6655 SW HAMPTON ST, SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

NORTHWOOD ESTATES, PHASE II
NW 10TH AVENUE
STREET & STORM PLAN & PROFILE
CITY OF CANBY
CLACKAMAS COUNTY, OREGON

DATE	MAR 2014
PN	1391 Phase II
DS	CJM
CS	RCO
CDW	1391-SHEET3-6

3.6
OF
22



SCALE 1"=100'



SUBDIVISION EASEMENTS
 12' P.U.E. ALONG ALL PUBLIC STREET FRONTAGE
 6' P.U.E. ALONG ALL SIDE AND REAR LOT LINES
 EXCEPT 10' P.U.E. ALONG LOT LINES WHERE THEY
 ADJUT UNDEVELOPED LAND

LEGEND
 - - - - - PROPOSED LOT LINES & RIGHT-OF-WAY
 _____ BOUNDARY LINE
 _____ CENTER LINE
 _____ PHASE LINE
 _____ EASEMENT LINE
 * LOTS MUST COMPLY WITH
 IN-FILL REQUIREMENTS OR
 CCR&R HEIGHT LIMITATIONS.

NORTHWOOD ESTATES, CANBY OR.
 CONCEPTUAL DEVELOPMENT PLAN
 CANBY OR.
 DECEMBER 29, 2005

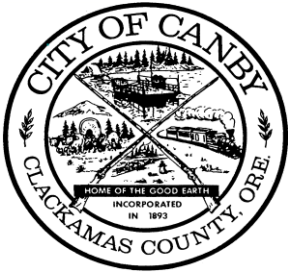
CURRAN-McEOD, INC.
 CONSULTING ENGINEERS

6655 SW HAMPTON ST. SUITE 210
 PORTLAND, OREGON 97223
 PHONE (503) 684-3478

DATE	DEC. 2005
SCALE	1/8" = 1' (1/4" = 1')
DESIGNER	CJM
CHECKER	AWK
DATE	DEC. 2005
SCALE	1/8" = 1' (1/4" = 1')
DESIGNER	CJM
CHECKER	AWK
DATE	DEC. 2005
SCALE	1/8" = 1' (1/4" = 1')
DESIGNER	CJM
CHECKER	AWK

2
 OF
 10

ATTACHMENT C



MINUTES
PLANNING COMMISSION
February 24, 2014 7:00 PM
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners Tyler Smith, Shawn Hensley, John Savory, and John Serlet

ABSENT: Commissioner John Proctor

STAFF: Bryan Brown, Planning Director, Angie Lehnert, Associate Planner, and Laney Fouse, Planning Staff

OTHERS:

1. CALL TO ORDER

Commissioner Smith called the meeting to order at 7 pm.

2. CITIZEN INPUT ON NON-AGENDA ITEMS

3. PUBLIC HEARING

- a. Approval of a 10.3 acre subdivision for 33 single family home lots. This is the second phase of the four phase development of the Northwoods Estates subdivision. (SUB 13-01)

Commissioner Smith opened the public hearing and read the public hearing format.

Commissioner Serlet indicated he had no exparte contact and no conflicts.

Chair Smith, Commissioners Savory and Hensley said they had no conflicts but disclosed they had ex parte contact of a February 19, 2014, email from Bob Backstrom and they drove by the site on a daily basis and attended church nearby.

Staff Report: Angie Lehnert, Associate Planner, entered her staff report into the record. This was an application for a subdivision located at 9th Avenue between Birch and Grant. It was a 10.3 acre site which would be developed into 33 R-1 single family homes. She explained the major issues for the Commission's consideration. The traffic study evaluated the speed along Birch and found no major issues. Residents wanted a marked and signed crosswalk at Birch and 10th. The applicant had discussed putting in some traffic calming measures in the area in exchange for SDC credits, but that decision needed to be deferred to the City Council. The applicant requested transportation SDC credits for the sizing of 10th Avenue to 40 feet instead of the required 36 feet and full width improvement by St. Patrick's Church, however the Planning Commission could not waive fees. Regarding driveways, there was conflict between the Public Works design standards and the Code and a Code amendment was needed. Staff proposed a condition for residential driveway widths to specify a minimum of 12 feet, maximum of 24 feet. There were comments regarding infill homes in the neighborhood meeting minutes about

the homes not being two story but only one story. She explained how the Code defined infill lots in 16.04.255 which had to gently slope up so a two story was not at the setback line, but it still could be a two story. The conditions listed which lots would be defined as infill lots and the infill standards would be enforced on those lots. The Planning Commission could consider conditioning those lots to be single story. There also might be some height restrictions required by the CC&Rs. The Code stated any street lights should be fully shielded. The proposed lights looked like partially shielded lights and could be discussed further.

Mr. Brown said there were new lighting requirements, which could be in conflict with Canby Utility who was in charge of deciding what types of lights were allowed.

There was discussion regarding the intent of the shielded lights and what was being proposed.

Ms. Lehnert stated the Code also required lumen limits not wattage limits for a maximum of 2600 lumens for fully shielded and 800 for shielded lighting. The applicant stated the lighting would be 30,000 lumens for the local street lights and on 10th would be 5200 which exceeded the limits in the Code. Staff did not propose any lighting conditions. Regarding streets and parking, Elm Street adjacent to the park tract was proposed to be 20 feet wide. The applicant planned to have no parking along Elm and the Fire Department preferred no parking. There was a no parking condition along the one way portions of Elm although it was not required. The Code said all the local streets were 28 foot streets and would be restricted to parking on one side, however the TSP stated parking could be on both sides. Staff did not propose a parking restriction on those streets. Parking could be restricted in the future if there was a problem. Tract B would be a City park and dedicated to the City. Regarding street right of way widths and street layout, the TSP designated all the streets in the subdivision as local streets and 10th Avenue was a neighborhood collector. The Commission could require street widths to accommodate with the lot sizes. The proposal was for 4.5 foot sidewalks with a six inch curb, although 6 foot sidewalks were required. The Commission could require the 6 feet. The master plan showed planter strips along 12th Avenue, but the applicant proposed not putting them in. She explained the street extensions in the subdivision. Public Works design standards required the cul-de-sac radius to be much larger than what the applicant proposed, however the Fire Department approved it with the condition that the houses on the end would have sprinkler systems. No pedestrian ways were proposed. There was a Code provision for lots fronted by a collector and a local street, access should be taken off the lower street classification. It was not currently a condition, but the Commission could discuss it. There was a new street tree ordinance which required plantings along 10th and the lessor classification streets. Park staff would have final say on the park design.

Ms. Lehnert then reviewed the citizen comments that had been received and questions that staff needed more direction on from the Planning Commission.

Applicant: Curt McLeod, representing Northwood Investment, clarified his firm that provided the City engineering services had nothing to do with this application or review of this project. A different engineer had been hired to review it. Regarding the infill lot designation, they agreed to several lots as infill though they did not meet the need for infill requirements and many of the lots had been committed to be single story. He requested lots 52 and 54 not be designated as infill. He said this was the first subdivision

to do street lights outside of Canby Utility. They were proposing to do all LED lights that were all classified as fully shielded. The lumen limits were currently changing monthly and the lights they had selected were what Canby Utility recommended. He thought this would meet the requirement of being fully shielded and finding a good lighting level that Canby Utility would accept. Regarding parking, the Fire Department preferred no parking along Elm Street. He was concerned, however, that a few of the lots would have no guest parking. The parks department also requested places to park for maintenance. He proposed having some designated areas along the 20 foot width that allowed two or three parking spots in two or three locations or alternatively have eight foot parallel parking where it cut into the park. The plan for the area was done in 2005 and called out the footage of the cul-de-sac radius and how it would work and they planned to equip those homes with fire sprinklers. He hoped no change would be made to the radius because it would have substantial impact on the lot layouts. The entire first phase of this subdivision had 4.5 foot plus six inch curb sidewalks and he hoped they could maintain the same for the second phase to match. That was the sidewalk standard in Canby a couple of years ago. If anyone had a planter strip in front of their house, the private property owner was required to maintain it. He was proposing a planter strip along 10th Avenue for a consistent look. He preferred not to do the stamped concrete for the bump outs. He thought it made sense to have access for lots 70 and 71 off of Douglas. For lots 57 and 67 he requested they not be required to face Elm, but to face 10th as the other lots. In this subdivision, there was no HOA and everyone was responsible to enforce the CC&Rs. He was in general agreement with staff's conditions.

Proponents:

Derek Colby, PO Box 3432, Tualatin, OR 97062, was a realtor and a builder previously. Many people wanted to live in Northwoods Estates because of the quality of the development. He would hate to see a requirement for single story homes on the infill lots because it would be difficult to meet the required square footage if they didn't have the option for a second story. There could also be a problem with the infill requirements if there was development this year, and there was another economic downturn, it might make other lots infill if it was five years before anything else was built. He also thought the sidewalks should be consistent in the subdivision. If there was parking at the park, one or two could be restricted to parks maintenance vehicles and the others used for residents.

Councilor Clint Coleman, 221 N. Pine, was Council liaison to the Traffic safety Commission. He thought this was a first class development and appreciated the condition where the applicant would negotiate with the City Council for possible Transportation SDC credits for installation of traffic calming measures on Birch and Territorial.

Opponents:

Susan Sessions, 646 NW 12th Ave, was concerned about accountability since there was no HOA for enforcement of the CC&Rs. The developers said once they sold the plot, they had no control over what the builder did. She was concerned that the builders would not follow what was planned and what the City approved. Numerous builders would come in and with no one watching, the good faith agreements might go by the wayside.

Barbara Carmel, 219 NW Territorial, discussed the traffic impacts of this subdivision. She requested traffic counts and speed counts be taken at the intersection of Elm and

Territorial. If that intersection became a safety problem, and before subsequent subdivisions were approved, she requested the Planning Commission ask for before and after traffic counts and speed management. There might need to be some mitigation such as traffic calming or signals. She supported HOAs as they gave structure and accountability for neighbors after the developers left.

Logan Sessions, 646 NW 12th Ave., liked having a dead end street and wanted to delay the development until it was absolutely needed.

Neutral:

Allison Etzel, 400 NW 9th Ave., was concerned the power lines on 10th were not going to be underground. She thought it should be reconsidered as it would detract from the aesthetics of the development. Mr. Brown responded they were main feeders and too expensive to place underground.

Rebuttal:

Mr. McLeod stated there was a clause in the CC&Rs that any homeowner could call an attorney and the attorney could enforce the CC&Rs and recover the cost of the attorney's fees. He did not think an HOA would change anything. The restrictions in the CC&Rs were over and above what was required by the City. They were a legal document that bound anyone who lived in the subdivision to those requirements and anyone could enforce them. Regarding traffic and speed on Birch and Territorial, they were proposing to do traffic calming improvements for SDC credits. Three traffic studies had been done already and it was concluded that this development did not increase traffic beyond acceptable limits.

Commissioner Savory asked if they were willing to do the traffic calming. Mr. McLeod said yes, in exchange for SDC credits.

Commissioner Savory asked what would be the most effective form of calming devices.

Mr. McLeod replied bump-outs on 10th and 12th or 10th and 13th. Emergency services did not like the humps and bumps on streets which was the reason for other options.

Chair Smith closed the public hearing at 8:50 pm.

Commissioner Hensley asked if there were any bike paths in the development. Ms. Lehnert said no, they were not required. There should be a shared one on 10th, but it did not require striping.

Commissioner Hensley said if they stifled parking around the park, there would be an issue with the lots that did not have guest parking.

Commissioner Savory suggested angled parking near lots 65 and 49.

Mr. Brown said staff was against the idea of using dedicated open space for parking. It was lessening what the public had negotiated to get as a public benefit for private use.

Commissioner Serlet thought the maintenance staff parking could be used for residents when it was not needed by staff. Mr. Brown thought that would be a good compromise.

Chair Smith was in favor of having no parking on the one-way street except for a few carve outs that could be used for City staff or public parking. Condition 22 could be modified to address the issue. He questioned whether the Planning Commission had the authority to force an HOA on the neighborhood. He thought lot 52 should not be designated infill and 54 be deemed as infill. The sidewalks also needed to align and be consistent block to block. He had no concern about the sidewalk widths. Regarding the lumen lighting, the discussion had been about residential property not official street lighting. The Fire Department did not have a problem with the cul-de-sac radius, and neither did he. He questioned whether requiring the sprinklers would make a difference if the fire trucks were able to get in and out of the street.

Mr. Brown clarified it was the Fire Department that was requiring the sprinkler systems because the access wasn't adequate for normal standards. They would be opposed to the design of the subdivision if the sprinklers were not required.

Chair Smith thought the Commission should allow a flexible direction on lots 57 & 67 to be able to face 10th instead of Elm. Lot 67 would need to be taken out of Condition 75.

Commissioner Hensley suggested striking Condition 22 regarding no parking on Elm.

Chair Smith recommended no parking unless there was a cut out adjacent to the park.

Mr. Brown thought if they allowed parking on one side, the residential side, it met the TSP cross section standard, however it did not meet the Fire Department's requirements.

There was discussion regarding the pros and cons of allowing parking on one side of Elm.

Commissioner Hensley thought there should be parking on the residential side that would give the parking back to the people who were living there.

Chair Smith suggested Condition 22 be changed to state, "parking was prohibited along the park side of the one way street."

***Motion:** Commissioner Hensley moved to approve Sub 13-01 pursuant to conditions approved with an amendment to Condition 22 for no parking along the park side of Elm, amendment to Condition 75 to take out lot 67, it was the interpretation of the Planning commission that the lighting ordinance did not apply to city streets, and to remove lot 52 from the infill designation; Commissioner Savory seconded the motion. Motion passed 4/0.*

Staff would prepare findings for the next meeting.

4. NEW BUSINESS

- a. Approval of a one-year extension of the Development Agreement for the Northwoods Master Plan

***Motion:** Commissioner Savory moved to approve the one-year extension of the Development Agreement for the Northwoods Master Plan; Commissioner Hensley seconded the motion. Motion passed 4/0.*

5. CITIZEN INPUT ON NON-AGENDA ITEMS - None

6. FINAL DECISIONS - None

7. MINUTES - None

8. ITEMS OF INTEREST/REPORT FROM STAFF

- a. Next Regularly Scheduled Planning Commission – March 10, 2014

Mr. Brown said a proposed text amendment for expediting development in the Industrial Park would be discussed at the March 10 meeting.

- b. Need legal counsel on interpretation of two-story requirement

Commissioner Savory wanted to revisit the discussion regarding a second story requirement for the downtown area. He proposed eliminating the requirement.

Chair Smith said to make this change it would have to be noticed and opened for public testimony.

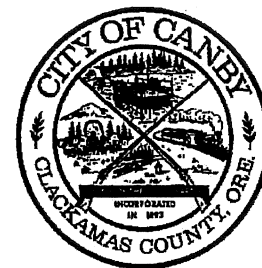
Mr. Brown suggested bringing several text amendments back to the Commission at the same time in one package.

9. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

10. ADJOURNMENT

***Motion:** Commissioner Savory made a motion to adjourn; Commissioner Hensley seconded the motion. Motion passed 4/0. Meeting was adjourned at 9:27 pm.*

Assisted with Preparation of Minutes – Susan Wood



**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY**

**A REQUEST FOR APPROVAL OF)
PHASE I FOR A SUBDIVISION)
OF EIGHT EXISTING PARCELS)
TOTALING 31.57 ACRES INTO 110)
RESIDENTIAL BUILDING LOTS)**

**FINDINGS, CONCLUSIONS
& FINAL ORDER
SUB 05-12
(Northwood Estates)**

NATURE OF APPLICATION

The applicants are proposing a 41 lot subdivision (Phase I) on land that will ultimately be built-out to 110 lots (four phases total). While the current subdivision request is for Phase I there is an underlying requirement for a master-plan over the entire area. Because the applicant's request for Phase I requires a master-plan, the applicants have submitted detailed plans that encompass all four phases. A condition of approval for this request requires the recordation of a Development Agreement to be signed by the City and the owners of the subject properties. The applicants believe that applications for the remaining three phases will occur over a three year period; therefore the Development Agreement shall be valid for a period of three years from the date of recordation. If the applicants require more than the proposed three year time frame, the Development Agreement includes a provision for an unlimited number of extensions of time not to exceed one-year apiece and subject to review and approval by the Planning Commission per each extension request. The Canby Comprehensive Plan (Areas of Special Concern, Area L) requires master-planning for the area. The specific language in the Comprehensive Plan for area L is as follows:

"Area "L" comprises approximately 30 acres of parcels zoned for low density residential development. The parcels have been farmed for many years and were outside the Urban Growth Boundary of the City until 2003. The area presents a unique challenge because it is surrounded by existing neighborhoods that could be negatively impacted by development. In addition, the City has infrastructure requirements that must be developed following a comprehensive master plan addressing parks and/or open space provision, street and infrastructure design, public safety facilities, buffering, and other relevant issues. The master plan should integrate reasonable foreseeable uses of adjacent properties. Subdivision of the property should not occur unless such a master plan is approved by the

**Findings, Conclusion and Final Order
SUB 05-12
Page 1 of 10**

Planning Commission. Creation of the master plan should include input from the public and neighborhood association."

The applicants will be required to file a separate subdivision application for each subdivision phase; this process will ensure compliance with the adopted Development Agreement and original conditions of approval.

The eight properties covered by the development total 31.57 acres. Phase I will be 12.78 acres, 10.30 acres for Phase II, 5.04 acres for Phase III, and 3.45 acres for Phase IV. A dominant feature of the development is a linear public park to be dedicated to the City. The larger, northern portion of the park (1.47 acres) is included as part of Phase I. The narrower southern portion (0.85 acres) is incorporated into a boulevard within N. Elm Street. At the southern terminus of the park there is 2700 square feet of Home Owner Association (HOA) maintained land, which is to incorporate a water feature. The park is being offered as a donation to the City. The Parks Department has offered to waive the future Parks System Development Charge for new lots in the development in order to help offset the cost of development of the park; this arrangement is detailed in the Development Agreement.

Proposed lot 21 will contain an existing single family residence and several existing trees. The average lot size over the entire development will be 8,456 square feet and 9,001 square feet for Phase I. Lot sizes over the entire development ranges from 7,000 square feet to 15,840 square feet. The applicant proposes to utilize lot size averaging in order to allow a total of 9 lots to be greater than 10,000 square feet in size. The applicants have proposed that certain lots along the exterior of the development be height restricted (in addition to those lots that are identified as infill) through CC&Rs; this is in response neighborhood concerns.

This application meets the zoning and comprehensive plan designations of the R-1 Low Density Residential zone and satisfies the requirements of the Comprehensive Plan, Areas of Special Concern.

HEARINGS

The Planning Commission held a public hearing to consider this application on March 13, 2006.

CRITERIA AND STANDARDS

A. SUBDIVISION - City of Canby Code Section 16.62.020

This is a quasi-judicial land use application. Applications for a subdivision shall be evaluated based upon the following standards and criteria:

1. Conformance with the text and applicable maps of the Comprehensive Plan.
2. Conformance with other applicable requirements of the land development and planning ordinance.

3. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the March 13, 2006 public hearing, and includes the March 6, 2006 staff report. The Planning Commission accepts the findings in the March 6, 2006 staff report insofar as they do not conflict with the following additional considerations:

1. The Planning Commission added and/or modified several conditions of approval which are highlighted in red below.

CONCLUSION

Based on the March 6, 2006 staff report, public testimony received at the March 13, 2006 public hearing and Commission deliberation, the Planning Commission concludes that:

1. The partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan;
2. The partition request is in conformance with the applicable requirements of the Municipal Code regarding access to the site and hindrance of developing adjacent parcels;
3. The overall design and arrangement of lots will be functional and will adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. Necessary public services are available or will become available through the development of the property to adequately meet the needs of the proposed partition.

ORDER

IT IS ORDERED by the Planning Commission of the City of Canby that **SUB 05-12** is **APPROVED** subject to the following conditions:

1. Prior to signing of the final plat for Phase 1 of the subdivision, the applicant shall have a development agreement, legally binding upon present and future owners, recorded with the property which stipulates the following:

Staff Report
SUB 05-12
Page 3 of 10

(1) The design of Phase 1 and all future phases (i.e., the entire master plan) of this subdivision is binding as submitted in all details except as modified by the City as noted in the conditions of approval for SUB 05-12. No modifications to this approved plan may be made except as approved by the City of Canby.

For the Final Plat:

2. The final plat shall reference the following land use application: City of Canby, File No. SUB 05-12 and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits.
3. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
4. Easements shall be provided as follows:
 - Twelve (12) foot wide public utility and tree planting easements along all street frontages.
 - Looping waterlines and associated easements shall be required on proposed lots 21 and 22, and on lots 34 and Tract A. The precise locations of the easements shall be coordinated with the Canby Utility Board and shall be determined prior to the signing of the final plat.
 - All lots that show access easements on the approved site plan shall show said easements on the final plat; **said easements shall be recorded prior to the issuance of a building permit.**
5. The well lot (Tract D) shall include a deed restriction indicating that it shall be not be used for residential purposes for as long as the well is in use. Should the well be abandoned the lot may remain as open space or may be reabsorbed by lot 28.

Prior to the signing of the Final Plat:

6. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for subdivision improvements for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
7. A copy of the CC&Rs that will be filed with the subdivision shall be submitted to the City Planning Department, prior to the signing of the final plat, and shall include a statement that street trees will be planted along street frontages, within the street tree

planting easement. The CC&Rs must also include a statement notifying home owners of their responsibilities under the current Tree Ordinance for maintenance of street trees. The CC&Rs must also include, at a minimum, the following:

- Land which is not intended for physical development, such as building or street uses, is required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
 - The manner in which any open space, private park and recreational area, and parking areas are to be maintained shall be presented along with the preliminary copy of the proposed owners' association by-laws and contractual agreements shall be submitted with the preliminary subdivision.
8. A contract between the developer and a certified landscape contractor must be approved by the City prior to the signing of the final plat. The contract must include a street tree and planter strip planting plan (as appropriate) with the types and locations of trees to be planted and timing of the planting. The landscape contractor must be licensed in all phases of landscape contracting by the Oregon Landscapers Contractors Board.

Prior to construction:

9. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by the appropriate utility provider. Final approval of site and utility plans is required prior to the issuance of any building permit. To facilitate this, twelve (12) copies of pre-construction plans shall be given to the City to be reviewed and approved by the Canby Utility Board, the Canby Telephone Association, the City, and other required utility providers prior to the pre-construction conference. The construction plans shall include the street design, storm water, sewer, water, electric, telephone, gas, street lights, mail boxes and street trees. Utilities shall be separated from one unit to the next.
10. The following design parameters shall be met:
- The minimum street width for local streets shall be 28 feet where parking is limited to one street side, otherwise the width shall be 36 feet wide.
 - 20 foot street width is approved for the one-way sections of N. Elm Street as shown on the approved site plan.
 - The minimum curb radius for cul-de-sacs shall be 48-feet to facilitate maintenance vehicles per IFC standards.
 - The "K" values for vertical curves shall meet AASHTO requirements.
11. Where applicable, newly constructed residences shall comply with Infill Home Standards through the building permit approval process. On lots bordering

existing homes the building permit application shall include the distances from lot lines to neighboring residences as well as existing heights of the neighboring buildings. All perimeter lots marked with an asterisk (*) on applicant's site plan (labeled 2 of 10) shall be restricted in height as proposed by the applicant.

12. Lots 51, 52, 53, 54, and 55 shall have fire sprinklers installed per IFC and IBC standards.
13. The building plans for the following lots shall show front yard and dwelling orientation towards N Elm St: Lots 8, 9, 39, 44, 45, 46, 47, 48, 49, 62, 63, 64, 65, 66, and 67.
14. The following access restrictions shall apply to certain lots: No lot fronting NW Territorial Road shall have direct access to NW Territorial Road. Lots 9 and 39 shall access NW 13th Avenue only. Lots 45, 47, 48 and 62 shall access 12th Avenue only. Lots 63 and 64 shall access 11th Avenue only. Lots 57 and 67 shall access 10th Avenue only. Lots 56 and 57 shall access the cul-de-sac labeled "B" street only. Lot 15 shall access NW 14th Avenue only.
15. Private water lines (irrigation) will not be allowed to be constructed in the public right-of-way. Private water lines may cross streets if they are in casings.
16. The proposed 10-inch pipe to be extended on NW Territorial Road should be constructed at minimum grade in order to facilitate sanitary sewer service to the west. This is in accordance with the Wastewater Collection system master Plan.
17. Access to the sanitary sewer line between lots 24 and 25 shall be maintained and a sewer easement of 5 feet along each side of the common boundary between lots 24 and 25 shall be maintained.
18. The sanitary sewer shown in an easement crossing lot 67 on the site plan shall be located in the street or as required by the Public Works supervisor.
19. The end of the sanitary sewer lines on NW 12th Avenue and N Douglas Street shall have manholes to facilitate maintenance of the system.
20. Subsurface evaluations in the vicinity of the proposed drainage improvements shall be conducted by a licensed hydrologist, soil scientist, geologist, or engineer.
21. Bioswales and infiltration trenches shall be designed according to the design guidelines developed by the City of Portland and presented in the Stormwater Management Manual.
22. The sanitary sewer shall be extended to the phase line and a temporary clean out installed. This shall be done for each phase in order to facilitate the subsequent phase of the development.
23. The phasing of the water system shall be coordinated with the Canby Utility Board.

24. A drainage master plan for all four phases shall be submitted to the City for review and approval prior to the approval of subsequent subdivision requests for the remaining 3 phases.

As part of construction:

25. Street lighting shall be provided and shall meet City street lighting standards. Installation of street lights to be reviewed and approved by the City and the Canby Utility Board.

26. Improvements to the park area including lighting fixtures for City Park area to be reviewed and approved by the Canby Parks Department.

27. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.

28. The applicant shall construct an approved curb cut and approach apron at the drive entrance to each parcel. Access improvements and sidewalks and paving shall be inspected and approved by Canby Public Works prior to installation.

29. Prior to issuance of a certificate of occupancy on individual lots, five (5) foot sidewalks inclusive of curb shall be constructed along all street frontages. Where mailboxes, fire hydrants or other obstructions must be located at the curb, sidewalks shall swing away from the curb such that the walkway remains unobstructed for a full five-foot width. Sidewalks shall as shown on the approved site plans.

30. No parking signs and/or painted curbs indicating no parking shall be placed in front of all areas not intended for parking on the approved site plan.

31. Half street improvements are required along the south side of N.W. Territorial Road. The half street improvements shall be constructed along the development's frontage with NW Territorial Road. The offsite half street improvements along the south side of NW Territorial Road east to N Hawthorne Street may be accomplished by one of the following:

1. A City initiated Local Improvement District (LID) with assessments to the benefited property.

2. A separate agreement with the Northwood Investment Partnership and the City for reimbursement of improvement costs through a reduction in the Systems Development Charge.

3. Any mutually agreed upon arrangement for reimbursement to the Developer for the offsite improvements.

Street improvements shall be constructed to City standards, shall include 5-foot sidewalk, and shall be approved by the City Contract Engineer, Canby Public Works, and the Clackamas County Transportation Division prior to construction. The improved pavement width on NW Territorial Road shall be to the centerline of the road at a minimum. The north side of the road shall have a minimum of a 10-foot travel lane.

32. For NW 10th Avenue the curves on the bump-outs must be designed to facilitate street

sweeping.

33. Per the Transportation System Plan shared bike lanes (not striped) are required on NW 10th Avenue and NW Territorial Road.

After construction:

34. "As-built" drawings of all public improvements shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a computer disk in an AutoCAD format.

Notes:


35. The final plats must be submitted to the City within one (1) year of the approval of the preliminary plat according to Section 16.68.020.
36. The approval of this subdivision application will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the City (Section 16.68.070).
37. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
38. Sanitary system and storm drainage plans shall be approved by DEQ prior to construction.
39. The site approval as acted upon by the Commission shall be binding upon the developer and variations from the plan shall be subject to approval by the Commission.
40. The streets labeled A and B on the applicant's site plan shall be named in accordance with City street naming standards.

I CERTIFY THAT THIS ORDER approving **SUB 05-12** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 27th day of March, 2006.



James R. Brown, Chair
Canby Planning Commission



Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – March 13, 2006

AYES: Brown, Ewert, Manley, Molamphy

NOES: None

ABSTAIN: Helbling

ABSENT: None

WRITTEN DECISION – March 27, 2006

AYES: Brown, Ewert, Molamphy

NOES: None

ABSTAIN: Tessman

ABSENT: Manley, Helbling

ATTACHMENT 4

**NORTHWOOD ESTATES
DEVELOPMENT AGREEMENT**

Clackamas County Official Records
Sherry Hall, County Clerk

2007-007387

After recording return to:



\$76.00

01065045200700073870110113

01/26/2007 03:38:12 PM

Northwood Investments,
Attn: Mr. Ron Tatone, Partner
1127 NW 12th Avenue
Canby, OR 97013

D-DEVA Cnt=1 Stn=2 TIFFANYCLA
\$55.00 \$11.00 \$10.00

Witness my hand and seal of County
affixed.

Name Title

By; _____ Deputy.

THIS AGREEMENT is made as of the 11 day of Jan., 2007, by and between the City of Canby, Oregon, with a mailing address of 182 North Holly Street, Canby, Oregon 97013, (the "City") and Northwood Investment Partnership together with Archie & Lois McLeod (the "Applicant"). NOW THEREFORE, the parties agree as follows:

I. AFFECTED PROPERTY

This Agreement shall be recorded upon the deed of that tract of land conveyed in 1990 to Northwood Investments, a general partnership consisting of Ronald G. Tatone, Lynn Kadwell, Curt McLeod, Fred Kahut and Bresco, Inc. as recorded in Deed Number 90-20689, Clackamas County Records and attached herein as Exhibit "A"; and additionally that tract of land conveyed to 2KRMT, INC. as recorded in Deed Number 2006-070258, Clackamas County Records and attached herein as Exhibit "B".

II. MASTER PLAN

The design of Phase 1 and all future phases of the Northwood Estates master plan is binding as submitted by the Applicant (Exhibit 1) in all details except as modified by the City as noted in the Findings of Fact and Conclusions of Law for City file SUB 05-12 (Exhibit 3). No modifications to this approved plan may be made except as approved by the City. The Agreement shall be considered valid for a period of one-thousand-ninety-five (1095) days to commence upon the date of recordation. If this Agreement expires prior to the City approval of the subdivision application for any particular phase, the Applicant shall be required to apply for master plan approval prior to the approval of any remaining phases. Agreement may be extended and/or modified only upon approval by the City. Each extension request may be granted for a period of three-hundred-sixty-five (365) days beyond the expiration date; upon approval by the City. This Agreement shall not conflict with the current Canby Municipal Code, Comprehensive Plan, or any other relevant laws and/or regulations in effect at the time of development.

III. PARK DEDICATION

The City has not required the dedication of any park land; however, the Applicant has offered to donate 2.94 acres of gross area that will result in a 2.32 acres of park land in the manner described in Section IV of this Agreement and as shown in Exhibit 2. Dedications shall occur as provided in Section V of this Agreement. Upon dedication, the dedicated park land shall be wholly City owned and maintained for the benefit and use of the public. The park land shall be developed by the Applicant at the Applicant's expense. The Applicant shall provide, at a minimum, street improvements, curbs, sidewalks or walkways, grass surfacing, street trees, irrigation system, and lighting. All park improvements shall be subject to review and approval by the City Parks Department. Any park improvements not completed at the time of the signing of the subdivision plat shall be subject to the bonding requirements listed under Section 16.64.070 of the Canby Municipal Code.

IV. PARK SDC CREDIT

The City agrees to waive future System Development Charges (SDCs) for all phases of development, that are normally charged by the City Parks Department upon the issuance of a building permit to offset an equivalent portion of the value of dedication and cost of development of the park improvements. The value of any additional park dedication or development cost beyond that being offset is offered as a free will donation from the applicant to the City. The waiver only applies to future building permits issued within the boundaries of the properties covered by this Agreement (110 single family residences). The waiver shall only apply to the parks SDC; all other SDCs in effect at the time of the issuance of individual permits shall remain valid.

V. PHASING

The master plan shall be developed in four phases as shown in Exhibit 2. Each phase shall be subject to separate Subdivision applications as required by the City. The Applicant agrees to adhere to all conditions of approval required as part of each subdivision approval.

For all Phases:

Subsurface evaluations in the vicinity of the proposed drainage improvements shall be conducted by a licensed hydrologist, soil scientist, geologist, or engineer at the Applicant's expense. Bioswales and infiltration trenches shall be designed according to the design guidelines developed by the City of Portland and presented in the Stormwater Management Manual. The sanitary sewer shall be extended by the Applicant to the phase line and a temporary clean out shall be installed; this shall be done for each phase in order to facilitate each subsequent phase of the development. The phasing of the water system shall be coordinated with the Canby Utility Board. The Applicant shall provide a drainage master plan for the entire development prior to the signing of the final subdivision plat for Phase I. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the Applicant.

Phase I:

Phase I shall include the dedication of Tract A (1.82 acres of gross area resulting in a net 1.47 acres of park land) to be donated to the City at the time of the signing of the final subdivision plat. The well lot (Tract D) shall include a deed restriction indicating that it shall be not be used for residential purposes for as long as the well is in use. Should the well be abandoned, the lot may remain as open space or may be reabsorbed by lot 28. Lots 11, 25, 28, 29 and 41 shall be

subject to the same limitations of infill lots per the CMC. Private water lines (for irrigation) will not be allowed to be constructed within any public right-of-way except for street crossings provided the lines will be enclosed within casings; such crossings shall be subject to review and approval by the City.

Phase II:

Phase II shall include the dedication of Tract B (1.12 acres of gross area resulting in a net 0.85 acres of park land) to be donated to the City at the time of the signing of the final subdivision plat. The subdivision application for Phase II shall require a traffic study that shall address, at a minimum, the design of the proposed boulevard as it may relate to any vehicle conflicts particularly at the southern terminus. Lots 42, 59, 60, and 74 shall be subject to the same limitations of infill lots per the CMC.

Phase III:

The subdivision application for Phase III shall require a traffic study that shall address, at a minimum, internal circulation. The traffic study for Phase III may be combined with a traffic study for either Phase II or Phase IV. Lots 75, 87, 88, 89, 90, 91, 92, 93, and 94 shall be limited to one story (22 feet) in height.

Phase IV:

The subdivision application for Phase IV shall require a traffic study that shall address, at a minimum, internal circulation and future external street connections.

This agreement shall be binding upon the Northwood Investment Partnership or any succeeding business entity created for the development of the subject tract of land.

Ronald G. Tatone
Ronald G. Tatone, Northwood Investments

Mark C. Adcock
Mark Adcock, City Administrator

Lyle L. Read
Lyle L. Read, President Bresco Inc,

Lynn A. Kadwell
Lynn A. Kadwell, Northwood Investment

Fred Kahut
Fred Kahut, Northwood Investments

Curt McLeod
Curt McLeod, Northwood Investments

Archie McLeod
Archie McLeod

Lois McLeod
Lois McLeod

*Development Agreement is Subject to review by the Canby Planning Commission and City Attorney.

Exhibits incorporated by reference:

1. Applicant's Packet.
2. Master-Plan Map.
3. Findings of Fact and Conclusions of Law for City file SUB 05-12.

Attached Exhibits:

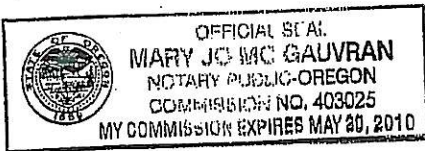
Exhibit "A" Legal Description from Fee Number 90-20689
 Exhibit "B" Legal Description from Fee Number 2006-070258

State of Oregon, County of Clackamas:

Personally appeared the above named Ronald G. Tatone before me on Jan 11, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10



State of Oregon, County of Clackamas:

Personally appeared the above named Lyle L. Read, President, Bresco Inc., before me on 1-12, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 1-25-2010

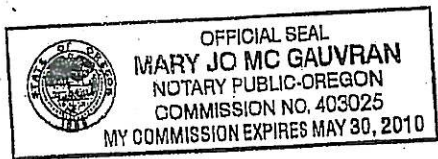


State of Oregon, County of Clackamas:

Personally appeared the above named Lynn A. Kadwell before me on Jan 11, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

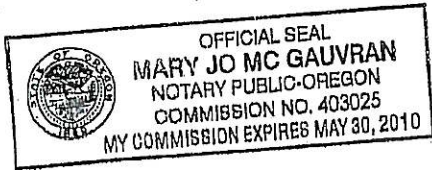
Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10



State of Oregon, County of Clackamas:

Personally appeared the above named Fred Kahut before me on Jan 11, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

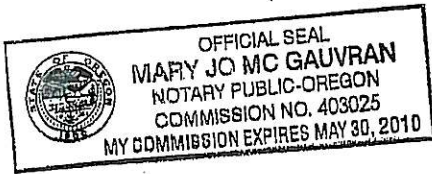


Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

State of Oregon, County of Clackamas:

Personally appeared the above named Curt McLeod before me on Jan 11, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

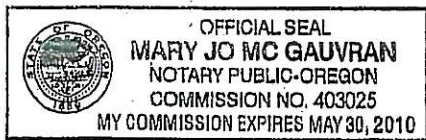


Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

State of Oregon, County of Clackamas:

Personally appeared the above named Archie McLeod before me on Jan 19, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

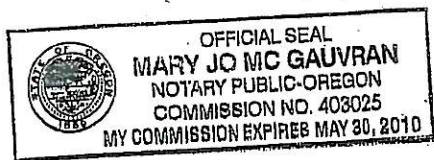


Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

State of Oregon, County of Clackamas:

Personally appeared the above named Lois McLeod before me on Jan 11, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.



Before Me: [Signature]
Notary Public for Oregon

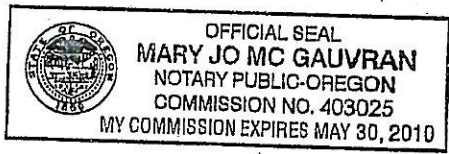
My Commission Expires: 5-30-10

State of Oregon, County of Clackamas:

Personally appeared the above named Mark A. Adcock before me on Jan 24, 2007
and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

Before Me: Mary Jo Mc Gauran
Notary Public for Oregon

My Commission Expires: 5-30-10





City of Canby

SUBDIVISION STAFF REPORT

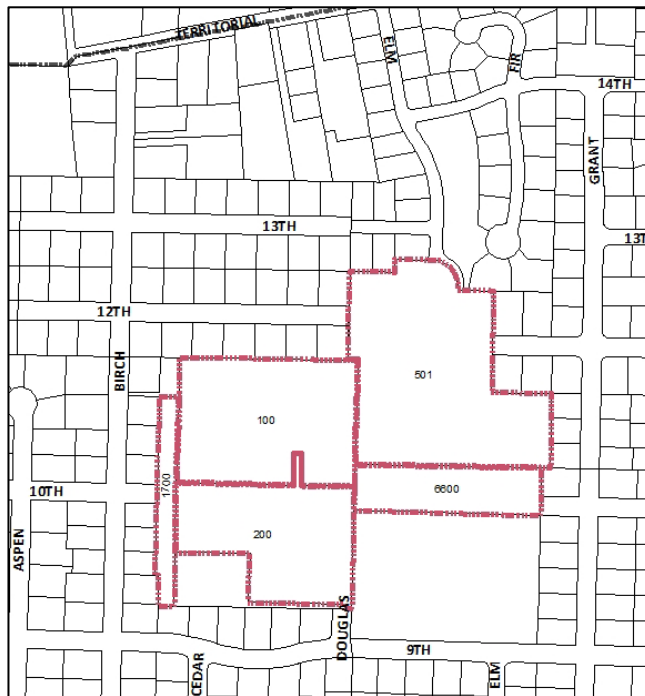
FILE #: SUB 13-01

Prepared for the February 24, 2014 Planning Commission Meeting

LOCATION: NW 10th Ave. from Grant to Birch; N. Elm from NW 10th to NW 13th

ZONING: R-1 Low-Density Residential

TAX LOTS: 31E32AD01700, 31E32AD00100, 31E32AD00200, 31E33BB00501, & 31E33BC06600
(Bordered properties in map below)



LOT SIZE: 10.3 acre site

OWNERS: Northwoods Investments, Richard Kadwell, & David Kadwell

APPLICANT: Northwoods Investments/Ron Tatone

APPLICATION TYPE: Subdivision (Type III)

CITY FILE NUMBER: SUB 13-01

I. **PROJECT OVERVIEW & EXISTING CONDITIONS**

The applicant is requesting approval of a 10.3 acre subdivision for 33 single family home lots. This is the second phase of the four phase development of the Northwoods Estates subdivision. The latest extension of the approved SUB 05-12, Master Plan, and Development Agreement is included in the Planning Commission packet.

In addition, staff has included a copy of the Final Findings and Order for SUB 05-12 and SUB 05-12 Modification decisions. Staff had some difficulty in determining what the Master Plan document is because the Development Agreement refers to the "Master Plan Map" by reference but it does not specify what this map is any further. Staff determined that the "Northwoods Estates, Canby OR Conceptual Development Plan" dated December 29, 2005 is the "Master Plan" because it is the most overall conceptual plan submitted with the applicant's SUB 05-12 application and because it was the map referenced in extension requests for the Planning Commission's approval of SUB 05-12.

The applicant's narrative states the following, see 16.08.150 for staff's discussion on SDC credits, 16.64.070(D) for staff's discussion on the proposed stormwater system, and 16.64.070 (A) & (B) and 16.120 for staff's discussion on the proposed park:

"The Northwood Estates subdivision was approved by the City of Canby under SUB 05-12 on March 29, 2006, and was constructed in 2007. As a component of the original subdivision application a Master Plan for the entire 31.57 -acre, four-phase development was approved by the Planning Commission with conditions of approval documented in a Development Agreement executed on January 11, 2007, and recorded under fee number 2007-007387 Clackamas County Deed Records. Modification 06-08, and Modification 07-02 secured approval of minor construction revisions to the conditions of approval.

Sanitary Sewer: The plan extends the existing 8" mainline at the southern terminus of N. Elm Street to provide gravity service to this phase of the development. All pipelines will be 8" diameter.

Water System: All waterlines will be extended to complete looping on all abutting streets. Fire hydrants will be placed in accordance with direction from the Fire Department. All domestic waterlines will be a minimum of 8" diameter. The irrigation system to the park will be provided by a service line from the northern park area, which was extended during the first phase of construction. This system is piped separately from the domestic water system and controlled by the City Park's staff.

Street Network: The Master Plan is to extend N Elm Street to provide a primary north-south local street connection between NW 10th Avenue and Territorial Road, and to construct NW 10th Avenue to provide a continuous east west Neighborhood Route. NW 10th Avenue is classified as a Neighborhood Route in the TSP and is proposed to be 40-foot wide paved surface in an ultimate 60 foot right-of-way to match the existing improvements, as opposed to a 36' street as published in the TSP for a neighborhood route. This project includes full width improvements on NW 10th Avenue, although, SDC credits will be requested for the oversizing beyond a 36' street section, and for the half street improvements abutting the adjacent developed property of St. Patrick's Church. The internal streets will vary from the 20-foot wide one-way travel lanes along the park on the N Elm Street Boulevard, to 28-foot local streets in a 40-foot right -of-way on NW 11th and NW 12th Avenues. No parking is proposed along the park frontage roads and all abutting residential properties will have garage access form the side streets, not from N Elm Street, eliminating driveways along the park frontage.

Storm Drainage: All storm water will be collected and disposed of on-site, incorporating best management practices, dry wells, and infiltration systems. All storm drainage systems have

been approved as rule authorized by DEQ in a letter dated February 16, 2007, which was provided to the City to fulfill the master planning requirements of the initial phase of construction.

Parks & Recreation: The Master Plan for the four-phase development proposed approximately three acres to be set aside to provide park and open space. As part of the first phase of Northwood Estates, approximately two thirds of this area was dedicated to the City of Canby in 2007, extending from NW 14th Ave to the south end of the first phase of development. Phase II will dedicate the remaining area identified in the Master Plan for the park. The City has agreed, as documented in the Development Agreement, to provide a credit for the park land dedication and waive all Parks and Recreation SDC's for all phases of this development. This current phase of the park consists of a narrow linear strip between the boulevard lanes of N Elm Street approximately 600 feet from the current terminus of Phase I, south to NW 10th Avenue. The boulevard park area will include curbs, sidewalks or walkways, grass surfacing, street trees, irrigation, and lighting, which will be detailed in a subsequent design document for the Parks Department review and approval.

Electric, Gas, Cable, Phone: All utilities will be provided as required by the utility providers. The overhead electrical wire along NW 10th Street will remain overhead, but all other utilities will be relocated underground."

II. ATTACHMENTS

- A.** Application form
- B.** Application narrative
- C.** Applicant correspondence letters
- D.** Traffic Study Memorandum from DKS, the city's consulting traffic engineers
- E.** Memorandum dated 2.6.14 from Gordon Munro, the consulting engineer reviewing this project
- F.** Neighborhood meeting minutes
- G.** Pre-application meeting minutes
- H.** Architectural and site plans
- I.** Park plans
- J.** Lighting plan and light specification sheets
- K.** Tentative plat
- L.** Master plan conceptual drawing
- M.** Applicant's drainage study and DEQ approval letter
- N.** SUB 05-12 Final Findings & Order
- O.** Development Agreement
- P.** Modification letters
- Q.** Citizen and agency comments/written testimony

III. APPLICABLE CRITERIA & FINDINGS

Major approval criteria used in evaluating this application are the following chapters from the *City of Canby's Land Development and Planning Ordinance (Zoning Code)*:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Zone

- 16.21 Residential Design Standards
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.56 Land Division General Provisions
- 16.62 Subdivisions-Applications
- 16.64 Subdivisions-Design Standards
- 16.68 Subdivisions Final Procedures and Recordation
- 16.86 Street Alignments
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

Excerpts from the code are highlighted below in **gray**, with findings and discussion after the citations. If not discussed below, other standards from the Code are either met fully, not applicable, and/or do not warrant discussion.

IV. **MAJOR ISSUES FOR PLANNING COMMISSION CONSIDERATION**

The following is a list of staff interpretations and potential conditions of approval that the Planning Commission may want to discuss/comment on and/or use as a basis to apply additional conditions of approval:

- Discuss/comment on applicant negotiations with City Council to install traffic calming devices in exchange for transportation SDC credits and discuss/comment on applicant request for transportation SDC credits for half street improvements abutting the St. Patrick's Church property. See 16.08.150 pages 5-6.
- Discuss/comment on staff's residential driveway width condition. See 16.10.070(B)(9)(b) pages 10-11.
- Discuss/comment on code's conflict with Canby's Public Works Design Standards' driveway-to-driveway separation requirement. See 16.10.070(B)(9)(d) page 11.
- Discuss/comment on code's conflict with Canby's Public Works Design Standards' lot intersection-to-driveway spacing . See 16.10.070(B)(10)(f) page 11.
- Discuss/comment on staff's list of lots designated as infill homes. See 16.21.050 pages 13-14.
- Inquire if the applicant is willing to accept a one-story restriction on homes designated as infill and consider adding to the conditions of approval. See 16.21.050 page 14.
- The Planning Commission should determine if the proposed lighting is satisfactory or if alternative lighting with more shielding should be required. See 16.43.060 pages 16-17.
- The Planning Commission should determine if the proposed lighting is satisfactory or if lighting with lumen limits should be required. See 16.43.070 page 18.
- Discuss/comment on staff's interpretation of Elm Street width, parking restrictions along Elm, and potential parking restrictions on 28' streets. See 16.46.010 pages 19-20.
- Discuss/comment on staff's interpretation of parking standards in cul-de-sacs— See 16.46.010(D) page 20.
- Discuss/comment on street connectivity. See 16.64.010(A) page 21.
- Discuss/comment on the proposed street cross sections and conformance with TSP standards. See 16.64.010(A)(3) page 23-25.

- Discuss/comment on proposed 4.5' sidewalks with a 6" curbs. Determine if 6 foot sidewalks should be required; specify if the 6" curb is to be included in sidewalk width measurement. See 16.64.010(A)(3) page 24.
- Discuss/comment on applicant's proposed curb-tight sidewalks along NW 12th Avenue. See 16.64.010(A)(3) page 24-25.
- Discuss/comment on Douglas Street alignment with the existing Douglas spur off NW 9th. See 16.64.010 (D) page 26.
- The Planning Commission should determine if a larger cul-de-sac for "B Street" should be required. See 16.64.010(I)(2) pages 27-28.
- Discuss/comment on the proposed block lengths. See 16.64.020(A) page 30. Discuss/comment on pedestrian way requirements See 16.64.030(C) pages 31-32.
- Discuss/comment on access restrictions for lots 70 and 71. See 16.64.040(C) page 33.
- Discuss/comment on SUB 05-12 conflict with access standards of 16.64.040(C)-see page 33.
- Give input on the park's design. See 16.64.070(B)(10) page 37.

Chapter 16.08 General Provisions

16.08.090 Sidewalks required.

B. The Planning Commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews.

Findings:

The applicant is proposing curbing and sidewalks along all proposed streets. See the discussion under 16.64.010(A)(3).

16.08.110 A-D Fences

Findings: If the applicant proposes fencing, they must comply with the fence regulations of 16.08.110 A-D. In addition, per 16.64.070(R): "No fence/wall shall be constructed throughout a subdivision where the effect or purpose is to wall said project off from the rest of the community." No fencing or walls is shown on the submitted plans.

16.08.150 Traffic Impact Study (TIS).

Contains standards pertaining to traffic studies including purpose, scoping, determination, submittal requirements, content, methodology, neighborhood and through-trip studies, mitigation, conditions of approval, and rough proportionality determination.

Findings: The applicant was required to conduct a traffic study; copies of the study are in the Planning Commission packet. Because the project site is categorized as an "area of special concern" in the city's Comprehensive Plan, the applicant was required to prepare a Master Plan of the entire area for all phases during the development of the first phase of the subdivision. The current traffic study states that since the traffic study conducted for the master plan studied the impacts to the surrounding roadway network, no additional traffic analysis was required to determine traffic impacts on surrounding roadways for each phase.

The Development Agreement does require that each phase be evaluated for the design of the proposed roadway facilities, site circulation, and intersection safety. In addition, based on resident concerns, the current traffic study evaluated the speed of traffic along Birch and resident wishes for a marked and signed crosswalk across N. Birch at NW 10th Street. A summary of the traffic study's analysis and findings is as follows:

- The Development Agreement states that the design of the boulevard and potential vehicle conflicts, particularly at the southern terminus, be studied with Phase II. The study did not bring up any significant safety issues in this area. The applicant is proposing traffic control “triangles” at the each end of the park strip (depicted on the cover page of the submitted Phase II plans). Public Works has requested that these triangles be stamped concrete with mountable curbs rather than planted for maintenance purposes-see **Condition #23**.
- Adequate sight distance is provided at existing intersections and could be provided at proposed intersections.
- No crash trends were found at study intersections.
- The overall design is in compliance with the TSP.
- Review of roadway signage and striping should be conducted. **Conditions #19-21** state that the applicant shall submit a roadway signage and striping plan and that the contract city engineer for this project and the Public Works street department shall approve the roadway signage and striping plan prior to the construction of public improvements. Gordon Munro, the consulting engineer assigned to review this proposal, also commented that the striping at the entrance and exit of the one-way couplet on Elm Street was of particular concern and needs to be reviewed and approved as part of the public improvement plans for this project.
- Street lighting should be designed to city standards; see **Conditions # 2, 3, & 45** which address Canby Utility approvals. Street lighting is subject to the poles and fixtures made available by Canby Utility.
- A crosswalk at NW 10th and Birch was not found to be warranted by vehicle volumes and pedestrian levels.
- Traffic calming devices such as speed cushions or driver speed feedback signs should be installed at four specified locations along Birch. However, the traffic study noted existing and future traffic speeds along Birch are not due to direct impacts generated by the proposed development, but by existing traffic patterns and behavior.

Therefore, the traffic study does not identify any required mitigation measures for the proposed development. However, the City Council is aware of the traffic speeding on Birch Street and the west end of Territorial Road and is working with the neighborhood association through the Traffic Safety Commission to arrive at an acceptable solution and possible funding sources for the chosen traffic calming solutions. The applicant has volunteered in the past to assist with possible traffic calming measures but is requesting possible exchange for transportation SDC credits to do so. City staff and/or the Planning Commission does not have the authority to waive or amend SDCs; therefore staff recommends that the Planning Commission defer any proposed traffic calming requirements or SDC credit exchanges to the authority of the City Council. However, neighborhood concerns about existing traffic issues in the area of this proposed subdivision will likely be voiced to the Planning Commission; staff has proposed **Condition #10** to ensure that the applicant addresses neighborhood traffic calming/SDC credits with the City Council.

Additionally, the applicant has requested transportation SDC credits for a 40 foot paved roadway (the new TSP calls for a 36 foot paved roadway) and for half street improvements abutting the St. Patrick's Church property. Again, City staff and/or the Planning Commission do not have the authority to waive or amend SDCs; therefore staff recommends that the Planning Commission defer any SDC credit requests to the authority of City Council.

16.08.160 Safety and Functionality Standards

The City will not issue any development permits unless the proposed development complies with the city's basic transportation safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate. Upon submission of a development permit application, an applicant shall demonstrate that the development property has or will have the following:

- A. Adequate street drainage, as determined by the city.
- B. Safe access and clear vision at intersections, as determined by the city.
- C. Adequate public utilities, as determined by the city.
- D. Access onto a public street with the minimum paved widths as stated in Subsection E below.
- E. Adequate frontage improvements as follows:
 - 1. For local streets and neighborhood connectors, a minimum paved width of 16 feet along the site's frontage.
 - 2. For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.
 - 3. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.
 - 4. Compliance with mobility standards identified in the TSP. If a mobility deficiency already exists, the development shall not create further deficiencies.

Findings:

- See **Conditions #39-44** regarding stormwater
- See discussion of clear vision requirements under Chapter 16.16.
- The development must meet all city public works requirements and the requirements of applicable utility agencies (**Conditions #2, 3, & 45**) prior to the issuance of building permits, the construction of public improvements, and the recordation of the final subdivision plat.
- The applicant proposes paved streets in compliance with the standards in (E) above.
- See discussion under 16.64.010(A)(3) for compliance with standards of the TSP; the traffic study found the overall design complies with the TSP.

Chapter 16.10 Off Street Parking & Loading

16.10.040 Prohibited near intersections.

In no case will off-street parking be allowed within a vision clearance area of an intersection.

Findings: Compliance with vision clearance standards in 16.16 will be verified during the building permit process.

16.10.050 Parking standards designated

The parking standards set out in Table 16.10.050 shall be observed.

TABLE 16.10.050

Off-street Parking Provisions - The following are the minimum standards for off-street vehicle parking:

USE	PARKING REQUIREMENT
Residential Uses:	
a. Single-family dwellings	2.00 spaces per dwelling unit for new construction. (Existing single-family dwellings having only a single parking space shall not be considered to be nonconforming.)

Findings: Adequate parking for the proposed new single family homes will be verified during the building permit process.

16.10.070 Parking Lots and Access

A. Parking Lots. A parking lot, whether as accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:

3. Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:
4. The full width of driveways must be paved in accordance with (3) above:
 - a. For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and
 - b. To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.

Findings: The proposed driveways are to be paved per above; exception standards are noted in this section; compliance with above is verified during the building permit process.

TABLE 16.10.070

Minimum dimensional Standard for Parking

This table and Figure 16.10.070 provide the minimum dimensional standards for parking areas and spaces.

A = Parking angle in degrees

D = Minimum clear aisle width

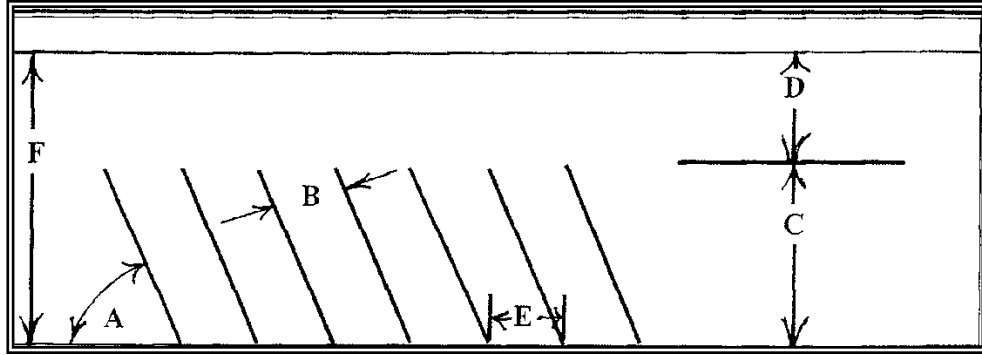
B = Minimum stall width

E = Minimum clear stall distance at bay side

C = Minimum stall depth

F = Minimum clear bay width

A	B	C	D	E	F
0 (parallel)	8'0"	-	12'0"	22'0"	20'0"
30	8'6"	16'4"	12'0"	17'0"	28'4"
45	8'6"	18'9"	12'6"	12'0"	31'3"
60	8'6"	19'10"	18'0"	9'10"	37'10"
90	8'6"	18'0"	24'0"	8'6"	42'0"



Findings: Parking spaces must meet the dimensional requirements of Table 16.10.070; parking dimensions will be verified during the building permit process.

6. Groups of more than four (4) parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
7. Off-street parking areas, and the accesses to them, shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site and in adjacent roadways. The Planning Director or Planning Commission may require engineering analysis and/or truck turning diagrams to ensure safe and efficient traffic flow based on the number and type of vehicles using the site, the classification of the public roadway, and the design of the parking lot and access drives.
8. Parking bumpers or wheel stops shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.

Findings: These standards will be verified for compliance during the building permit process; however these standards generally apply to commercial and industrial uses and therefore no issues are anticipated.

B. Access.

2. The City of Canby encourages joint/shared access. Owners of two (2) or more uses, structures, or parcels of land may agree to, or may be required by the City to, utilized jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designed in this ordinance, provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts shall be placed on permanent files with the city recorder.

Findings: The applicant is proposing joint driveways for some lots along Elm. Driveways and access spacing will be verified for code compliance during the building permit process.

3. All ingress and egress shall connect directly with public streets.
4. Vehicular access for residential uses shall be brought to within fifty (50) feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.

5. Required sidewalks shall extend from the ground floor entrances or the ground floor landing of a stairs, ramps or elevators to the sidewalk or curb of the public street or streets that provide the required access and egress.

Findings: These standards will be verified for compliance during the building permit process.

6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design, and in a manner approved by the Site and Design Review Board. Sidewalks approved by Board may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grade and alignment established by the Site and Design Review Board.

Findings: The applicant is proposing sidewalks along all proposed streets. See the discussion under 16.64.010(A)(3).

Minimum Access Requirements			
16.10.070(B)(8): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):			
<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & Curbs (in addition to driveways)</i>
1 or 2	1	12 feet	none required

Findings: The above access requirements will be verified for compliance during the building permit process.

9. Maximum driveway widths and other requirements except for single-family dwellings [see subsection (d) below]:

b. No driveways shall be constructed within five (5) feet of an adjacent property line, except when two (2) adjacent property owners elect to provide joint access to their respective properties as provided by subsection 2.

Findings: Canby’s Public Works Design Standards require a minimum driveway width of 12’ and a maximum width of 24’; the Code does not specify residential driveway widths. For clarification, **Condition #72** states that the minimum residential driveway width shall be 12’

and the maximum width shall be 24'. There is an exception allowing homes with 3 or more garages to have a maximum 28' driveway width.

- d. The minimum distance between two driveways on one single-family residential lot shall be thirty (30) feet. There is no minimum setback distance between a driveway and the property line for driveways on single-family residential lots.

Findings: The above standard conflicts with Canby's Public Works Design Standards' driveway-to-driveway separation requirement; consistency between the two documents is a needed Code amendment. The Public Works Design Standards only require a 10 foot driveway-to-driveway separation with no specification for driveways on the same lot (Section 2.211(g)). Staff proposes to address this at the building permit stage and/or with code amendments.

- 10. Distance Between Driveways and Intersections- Except for single-family dwellings [see subsection (f) below] the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection:

- f. The minimum distance between driveways for single-family residential houses and an intersection shall be thirty (30) feet. The distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)].

Findings: Lot intersection-to-driveway spacing will be verified for compliance during the building permit process. Canby's Public Works Design Standards require a more restrictive 50' intersection-to-driveway separation; consistency between the two documents is a needed Code amendment. Staff proposes to address this at the building permit stage and/or with code amendments.

16.16 R-1 Low Density Residential Zone

16.16.010 Uses permitted outright

Uses permitted outright in the R-1 zone shall be as follows:

- A. Single-family dwelling; one single-family dwelling per lot;

Findings: The applicant proposes to construct single family homes on the lots created by this subdivision.

16.16.030 Development standards

The following subsections indicate the required development standards of the R-1 zone:

- A. Minimum and maximum lot area: seven thousand (7,000) square feet minimum, and ten thousand (10,000) square feet maximum, per single-family dwelling...

Findings: The proposed lots are in compliance with the above minimum and maximum lot size standards for the R-1 zone.

- C. Minimum width and frontage: sixty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.

Findings: Some lots have angled/curving lot frontages, while some of the cul-de-sac lots have less than the required lot frontages. See discussion under 16.64.040(C), which allows the Planning Commission to permit angled/curving lot frontages and cul-de-sac lot frontages as long as the lots have the required minimum lot size and adequate access.

D. Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only;
2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots, fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;
3. Interior yard: Seven feet, except as otherwise provided for zero-lot line housing.

Findings: Setbacks will be verified for compliance during the building permit process.

5. Infill standards may also apply. See CMC 16.21.050.

Findings: Conditions # 53 & 73 addresses infill requirements.

E. Maximum building height:

1. Principal building: thirty-five feet.

Findings: Height requirements will be verified for compliance during the building permit process. Infill height standards in 16.21 will also apply to some of the proposed homes; these standards contain restrictions on heights of infill homes in order to maintain the character of existing one-story neighborhoods. See 16.21.050 for more discussion; **Conditions # 53 & 73** addresses infill requirements.

16.16.030(C)(2):

Contains height standards for detached accessory structures

Findings: Height requirements for accessory structures are verified for compliance during the building permit process.

- F. The maximum amount of impervious surface allowed in the R-1 zone shall be 60 percent of the lot area.**

Findings: The above maximum impervious surface requirement will be verified for compliance during the building permit process.

G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.

2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements.
3. Required yards on southern and western exposures may be reduced by not more than five feet for eaves or canopies to provide shade.
4. Accessory buildings shall not have a larger footprint than the primary building, unless lot area exceeds twelve thousand square feet.

Findings: The above requirements will be verified during the building permit process. During the public improvement stage; **Condition #26**, states that all landscaping shall maintain the above vision clearance.

16.21 Residential Design Standards

16.21.020 Applicability and review procedure for single family and two family dwellings.

The standards in sections 16.21.030 through 16.21.050 apply to single family dwellings, manufactured homes, and two family dwellings (duplexes). Where a proposal is for an alteration or addition to a existing development, the standards of this section apply only to the portion being altered or added. If the applicant can demonstrate that implementation of the standards would be impractical due to lot size, shape, slope, or other natural feature of the property that does not generally apply to other properties in the city, the Planning Director may waive any of the standards which are demonstrated to be impractical.

16.21.030 Single family and two-family dwelling design menu.

16.21.040 Main entrances for single family and two family dwellings.

Findings: The residential design standards of Chapter 16.21.020-040 are applicable to the proposed single family homes and will be verified for compliance during the building permit process.

16.21.050 Infill Homes

- A. Purpose. The purposes of these standards are to promote compatibility between new development and existing homes, and, to provide for the efficient use of residential land.
- B. Applicability. These standards apply to all new infill homes as defined by 16.04.255. The standards also apply to remodels of existing infill homes where the remodel increases the homes floor area by more than 50%, not including garage area.
- C. Standards for Infill Homes (see figure 16.21-6)
 1. Lot Coverage - Infill homes exceeding one story shall not exceed a lot coverage of 35%. In this standard, lot coverage applies to portion of the lot covered by structures, not including garage area.
 2. Garage Standards - Infill homes must meet the Option 1 garage standards in 16.21.030. The infill home is exempt from garage standards if located on a flag lot, or, if an adjacent home fronting the same street does not comply with the garage standards in 16.21.030(C).

3. *Similar Front Setback - Infill homes shall establish a front yard setback that is within 5 feet of the front yard setback for the closest adjacent home on the same side of the street. This standard does not apply if the closest adjacent home has a front yard setback greater than 30 feet.*
4. *Maximum Height. Infill homes shall have a maximum height of 28 feet.*
5. *Step-up Standard. At the interior and rear setback line, the infill home shall not exceed a single story exterior wall height (not to exceed 10 feet from finished floor to top plate). The area within a gable is not included in the wall height. Finished vaulted ceilings or unfinished attic spaces without exterior windows are allowed in the gable area. The building may increase in height by one foot vertically for every foot horizontally away from the setback line, up to the maximum height allowed. Building height is measured as defined by the Oregon Structural Specialty Code. The Planning Director or Planning Commission may exempt infill homes from this standard for any yard that abuts a property on which the existing home is greater than one story.*

Findings: Infill homes are defined in 16.04.255 as “existing and new single family dwellings, manufactured homes, two-family dwellings, duplexes and triplexes on lots that are located in an R-1 or R-1.5 zoning district, and that have existing homes on two adjacent sides. Each adjacent home must be within 25 feet of the common lot line with the infill homes and have pre-existed for at least 5 years (dated from the existing homes final building permit approval).”

Infill home standards in Chapter 16.21 permit homes up to a maximum height of 28 feet and contain step-up standards to prevent tall 2-story structures directly abutting existing 1-story homes. Per the infill definition above, in order to be considered an infill home, the new home must contain an existing home on two sides; many of the proposed homes will abut an existing home on one only side and are not considered infill homes.

Lots 52 and 54 in Phase II have the potential to meet the “infill home” definition above; therefore staff has added these lots to the list of infill lots (lots 42, 59, 60, and 74) that were assigned during the approval process for the Master Plan/Development Agreement/SUB 05-12. Note that lots 42, 59, 60, and 74 were conditioned to be subject to 16.21.050 even though they do not have existing homes on two adjacent sides.

In addition, lots 44 and 46 are adjacent to Phase I lots and may have been constructed over 5 years ago and meet the above infill definition. However, these lots are not being considered as infill homes.

Neighbors have expressed a wish to restrict infill homes to one story, but the code does not permit such a restriction. However, the Planning Commission may inquire if the applicant is willing to accept such a restriction. If the applicant is willing, a condition of approval restricting infill homes to one story could be considered. If such a condition were to be imposed, staff suggests specifying a maximum height instead of using the ambiguous term “one-story”.

Therefore, as a **Conditions # 53 & 73** state that lots 42, 52, 54, 59, 60, 74 are subject to the infill standards of 16.21.050; building permit applications for these lots shall include the distances from lot lines to neighboring residences as well as existing heights and setbacks of the neighboring buildings. The Planning Commission can determine the appropriateness of conditioning a one-story/height restriction to these infill lots.

16.43 Outdoor Lighting Standards

16.43.030 Applicability.

The outdoor lighting standards in this section apply to the following:

A. New uses, buildings, and major additions or modifications:

1. For all proposed new land uses, developments, buildings, and structures that require a building permit, all outdoor lighting fixtures shall meet the requirements of this Code.

Findings: The code's language above states that all new "developments" are subject to 16.43. Staff interprets a subdivision as a development; therefore the standards of 16.43 are applicable to this proposal.

16.43.040 Lighting Zones.

A. Zoning districts designated for residential uses (R-1, R-1.5 and R-2) are designated Lighting Zone One (LZ 1).

B. The designated Lighting Zone of a parcel or project shall determine the limitations for lighting as specified in this ordinance.

Table 16.43.040 Lighting Zone descriptions

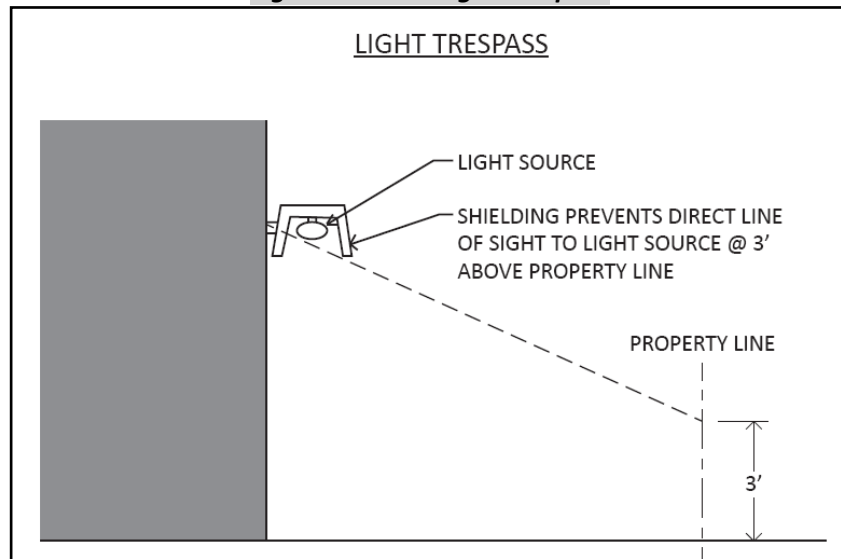
Zone	Ambient Illumination	Representative Locations
LZ 1	Low	Rural areas, low-density urban neighbor-hoods and districts, residential historic districts. This zone is intended to be the default for residential areas.

Findings: LZ 1 is applicable to this proposal.

16.43.060 Prohibited Light and Lighting.

A. All outdoor light sources, except street lights, shall be shielded or installed so that there is no direct line of sight between the light source or its reflection at a point 3 feet or higher above the ground at the property line of the source. Light that does not meet this requirement constitutes light trespass. Streetlights shall be fully shielded. However, the applicant is permitted to have some unshielded lighting if lumens are within the limits of Table 16.43.070 below.

Figure 16.43.1: Light Trespass



Findings: The code states above that “Streetlights shall be fully shielded”. The definitions below and the depiction above attempt to clarify the meaning of “fully shielded”; in addition an internet search provides many pictorial examples of shielded lighting:

16.43.020(M) Definitions:

“Shielding. A device or technique for controlling the distribution of light. Four levels of shielding are defined as follows:

1. Fully Shielded. A luminaire emitting no luminous flux above the horizontal plane;

2. Shielded. A luminaire emitting less than 2.0 percent of its luminous flux above the horizontal plane;

3. Partly Shielded. A luminaire emitting less than 10 percent of its luminous flux above the horizontal plane;

4. Unshielded. A luminaire that may emit its flux in any direction.”

The applicant stated in their letters dated 1/2/14 and 1/17/14 that an 18-20 foot cobra style aluminum pole with an arm is proposed that is similar to the poles used for Phase I (see Google Earth picture below). The applicant also included a GE lighting brochure that depicts the designs for the “GE Evolve” style lighting proposed along the local streets in Phase II.



Proposed lighting
for local streets

For the lighting along NW 10th Avenue, the applicant states that they plan to use an LED cobra on each of the existing wood poles and will look identical to the existing lighting along NW 10th Avenue except that it will be LED. (see Google Earth picture below). The applicant also included a GE lighting brochure that depicts the designs for the “GE Evolve” style lighting proposed along 10th Avenue.



Proposed lighting
For NW 10th Ave

The Planning Commission should determine if this proposed lighting is satisfactory or if alternative lighting with more shielding should be required.

16.43.070 Luminaire Lamp Lumens, Shielding, and Installation Requirements.

A. All outdoor lighting shall comply with the limits to lamp wattage and the shielding requirements in Table 16.43.070 per the applicable Lighting Zone. These limits are the upper limits. Good lighting design will usually result in lower limits.

- B. The city may accept a photometric test report, lighting plan, demonstration or sample, or other satisfactory confirmation that the luminaire meets the requirements of the shielding classification.
- C. Such shielded fixtures must be constructed and installed in such a manner that all light emitted by the fixture complies with the specification given. This includes all the light emitted by the fixture, either directly from the lamp or by a diffusing element, or indirectly by reflection or refraction from any part of the fixture. Any structural part of the fixture providing this shielding must be permanently affixed.

Table 16.43.070 – Luminaire Maximum Lumens and Required Shielding

Lighting Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded (Shielding is highly encouraged. Light trespass is prohibited.)
LZ 1	2600 lumens or less	800 lumens or less	None Permitted	Low voltage landscape lighting and temporary holiday lighting.

Findings: The applicant stated in their letter dated 1/2/14 that the proposed lighting along all local streets will be over 3,000 lumens and that the proposed lighting for the lights along NW 10th Avenue will 5,200 lumens; the applicant states in their letter dated 1.17.14 that they believe the lumen limits were not intended for streetlights. The lumen values in the code were derived from Chapter 16.43’s original wattage limits of 150 for fully shielded and 60 for shielded (prior to code revisions in 2013).

The Planning Commission should determine if this proposed lighting is satisfactory or if lighting within the lumen limits from the table above should be required.

16.43.080 Height Limits.

Pole and surface-mounted luminaires under this section must conform with Section 16.43.070.

- A. Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height according to Table 16.43.080, whichever is lower. The following exceptions apply:
 - 5. Street and bicycle path lights.

Findings: Per above, mounting height standards do not apply to streetlights.

16.43.110 Lighting Plan Required

A lighting plan shall be submitted with the development or building permit application and shall include:

- A. A site plan showing the location of all buildings and building heights, parking, and pedestrian areas.
- B. The location and height (above grade) of all proposed and existing luminaires on the subject property.
- C. Luminaire details including type and lumens of each lamp, shielding and cutoff information, and a copy of the manufacturer’s specification sheet for each luminaire.

- D. Control descriptions including type of control (time, motion sensor, etc.), the luminaire to be controlled by each control type, and the control schedule when applicable.
- E. Any additional information necessary to demonstrate compliance with the standards in this section.

Findings: The standards of 16.43 are applicable to new single family homes; the code's language above states that all new "developments" are subject to 16.43. Staff interprets a subdivision as a development; therefore the standards of 16.43 are applicable to this proposal.

16.46 Access Limitations on Project Density

16.46.010 Number of units in residential development.

A major factor in determining the appropriate density of residential development, particularly in higher density areas, is vehicular access. In order to assure that sufficient access is provided for emergency response as well as the convenience of residents, the following special limitations shall be placed on the allowable number of units in a residential development:

A. Single-family residential access, public and private roads:

1. Roads shall be a minimum of 28 feet in width with parking restricted to one side only, or a minimum of 36 feet in width with no parking restriction.

Findings: Elm Street adjacent to the park strip is proposed to be 20' wide, short of the above 28' standard. However, adding both one-way portions of Elm would make a 40' road. The applicant's narrative stated plans for no parking along the one-way portions of Elm and the Fire Department submitted comments that they would like 20' clear isles. Therefore **Condition #22** is proposed that prohibits parking along the one-way portions of Elm in the form of no parking signs and/or painted curbs.

Elm not adjacent to the park is proposed to be 36'. NW 11th, NW 12th, and Douglas are proposed to be 28' in width. "B" Street, to be named NW 11th Place, is 28' with a 29' cul-de-sac radius. NW 10th is proposed to be 40' wide.

SUB 05-12 condition #10, as well as the provisions in the code above, states that 28' streets (NW 12th, NW 11th, "B" Street, and Douglas) shall be limited to parking on one side. It should be noted that the TSP local street standards in Figure 7-6 permit parking on both sides on a 28' paved street; this restriction conflicts with what would otherwise be allowed by the above code standard. Restricting on-street parking should not be taken lightly as it decreases the options available to the owners of residences that are subject to the no parking requirement. The TSP standards also conflict with the Fire Department's desired standard to maintain a 20 foot clear access route, although the minimum paved access clearance required is only 12 feet.

On street parking can have the positive benefit of "narrowing" streets and slowing traffic. In addition, if no parking restrictions were made, there are enforcement logistics that the city would need to address and adjacent property owners may not be receptive to a parking restriction in front of their homes. The Planning Commission should determine if parking shall be restricted to one side of 28' streets. Parking could be restricted in the form of no parking signs and/or painted curbs.

See 16.64.010(A)(3) for more discussion on street cross-sections.

2. The number of units permitted are as follows:

One access: 30 units

Two accesses: 132 units

Three accesses: 207 units

For more than three accesses, use the following formula: # of units permitted = $(60 \times (1 + (.05 \times \# \text{ of access points}))) \times (\# \text{ of access points})$

Findings: The proposal complies with the above standard; each lot will have an access.

D. All turnaround systems shall meet or exceed the requirements of the parking provisions of Chapter 16.10.

Findings: Staff believes the above standard means that room for parallel parking shall be met in cul-de-sacs in accordance with the dimensional parking standards of Table 16.10.070. If this is in fact what the above standard means, then it cannot be met because of narrow lot frontages in the cul-de-sac. Lot layouts would have to be changed by the applicant to allow parallel parking along all the cul-de-sac curbs. Staff has marked the above provision as a needed code edit/omission.

E. All on-site private roads and drives shall be designed and constructed to provide safe intersections and travel surfaces which will not result in hazards for motorists, bicyclists or pedestrians.

Findings: Chapter 16.10 parking provisions are verified during the building permit process. See discussion under 16.10 regarding access and other general provisions.

G. Public roads accessing any development shall be a minimum of two travel lanes (twenty-four (24) feet of paved width) to the nearest improved collector or arterial street...

Findings: The nearest collector is Holly to the east and the nearest arterial is Knights Bridge to the south; these roads are not directly adjacent to the proposed development so the above standard is not applicable.

16.46.020 Ingress and egress.

Ingress and egress to any lot or parcel, the creation of which has been approved by the Planning Commission, shall be taken along that portion fronting on a public street unless otherwise approved by the Planning Commission.

Findings: The proposal complies with the above standard; each lot will have an access from public streets.

16.46.030 Access connection.

A. Spacing of accesses on City streets. The number and spacing of accesses on City streets shall be as specified in Table 16.46.030. Proposed developments or land use actions that do not comply with these standards will be required to obtain an access spacing exception and address the joint and cross access requirements of this Chapter.

TABLE 16.46.030

Access Management Guidelines for City Streets*

Street Facility	Maximum spacing** of roadways	Minimum spacing** of roadways	Minimum spacing** of roadway to driveway***	Minimum Spacing** driveway to driveway***
Neighborhood/Local	600 feet	150 feet	50 feet****	10 feet

** Measured centerline on both sides of the street

*** Private access to arterial roadways shall only be granted through a requested variance of access spacing policies when access to a lower classification facility is not feasible (which shall include an access management plan evaluation).

**** Not applicable for single-family residential driveways; refer to section 16.10.070(B)(10) for single-family residential access standards

Note: Spacing shall be measured between access points on both sides of the street.

Findings: The development proposes neighborhood and local streets per Figure 7-1 of the TSP.

- The above 600’ maximum roadway spacing standard is met.
- The above 150’ minimum roadway spacing is met- note that NW 12th takes a jog and is not in alignment because of the existing layout of NW 12th to the east and west of this proposal.
- Roadway to driveway standards will be verified during the building permit process; see the discussion under 16.10.070(B)(10).
- Driveway-to-driveway spacing will be verified during the building permit process; see 16.10.070(B)(9).

16.56 Land Division Regulation

Findings: Chapter 16.56 contains general language regarding land divisions and has no specific evaluation criteria.

16.62 Subdivisions-Applications

16.62.020 Standards and criteria.

Applications for a subdivision shall be evaluated based upon the following standards and criteria:

A. Conformance with other applicable requirements of the Land Development and Planning Ordinance;

B. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;

C. Subdivision design and layout shall incorporate Low Impact Development techniques where possible to achieve the following:

1. Manage stormwater through a land development strategy that emphasizes conservation and use of onsite natural features integrated with engineered stormwater controls to more closely mimic predevelopment hydrologic conditions.
2. Encourage creative and coordinated site planning, the conservation of natural conditions and features, the use of appropriate new technologies and techniques, and the efficient layout of open space, streets, utility networks and other public improvements.
3. Minimize impervious surfaces.
4. Encourage the creation or preservation of native vegetation and permanent open space.
5. Clustering of residential dwellings where appropriate to achieve (1-4) above. The arrangement of clustered dwellings shall be designed to avoid linear development patterns.

Findings: This application shows conformance with the above standards. See 16.64.070(D) for discussion on the proposed stormwater/LID techniques.

D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

Findings: Conditions #2, 3, & 45 address public facility and service requirements.

E. The layout of subdivision streets, sidewalks, and pedestrian ways supports the objectives of the Safe Routes to Schools Program by providing safe and efficient walking and bicycling routes within the subdivision and between the subdivision and all schools within a one-mile radius. During review of a subdivision application, city staff will coordinate with the appropriate school district representative to ensure safe routes to schools are incorporated into the subdivision design to the greatest extent possible.

Findings: The application was routed to the Canby School District for comment; no comments were received at the time of this staff report. All streets contain sidewalks that promote safe routes to schools. The closest public schools are Eccles Elementary and Knight Elementary, both are approximately 0.4 miles from the proposed development. See 16.64.010 (A)(3) for more discussion on sidewalks and streets.

16.64 Subdivisions-Design Standards

16.64.010 Streets

A. *Generally.* The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation pattern with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Where location is not shown in a development plan, the arrangement of streets shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

Findings: The proposed streets to the greatest extent possible extend to surrounding street patterns and layouts:

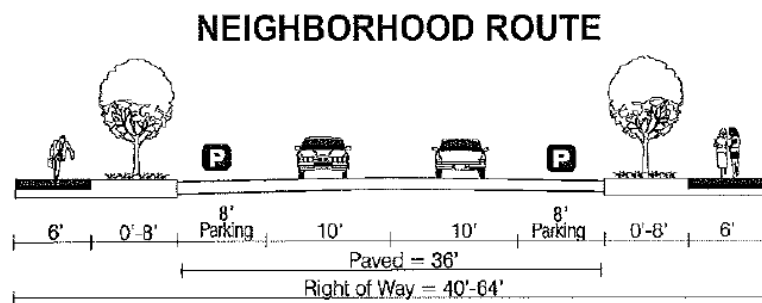
- NW 10th Avenue is proposed to be extended with this development.
- NW 11th is restricted by surrounding properties from allowing extension.
- “B” Street, to be named “NW 11th Place”, is restricted by surrounding properties from allowing extension.
- N Douglas will connect NW 10th with NW 11th.
- Elm Street will be extended to NW 10th.
- NW 12th will be extended from the existing streets to the west and east; the existing east/west layout of NW 12th is not aligned and therefore NW 12th takes a north/south jog at Elm.

2. Conform to a plan for the neighborhood approved or adopted by the commission to meet a particular situation where topographical or other conditions make continuance of conformance to existing street patterns impractical;

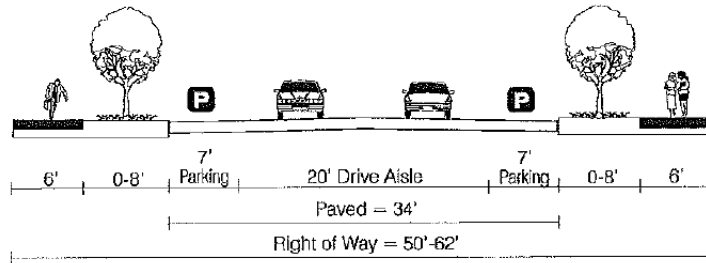
Findings: The master plan for Northwoods is part of the Planning Commission packet, titled “Northwood Estates, Canby, OR, Conceptual Development Plan” dated December 29, 2005. According to the Development Agreement dated 1/11/07, this subdivision application shall be bound to this master plan.

3. Minimum right-of-way and roadway width shall follow the requirements of the Canby Public Works Design Standards;

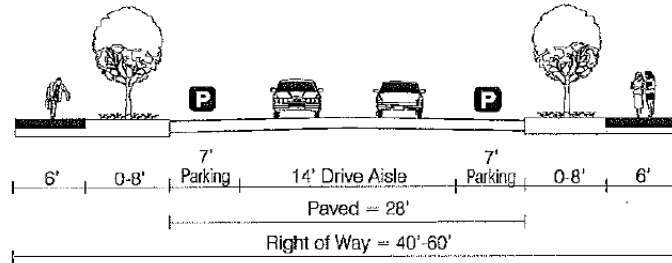
Findings: Canby’s Public Work’s Design Standards for roadway and right-of-way widths refer to the standards of the TSP. Figure 7-5 of the TSP calls for the following street cross sections:



STANDARD LOCAL STREET



LOW-VOLUME LOCAL STREET (<500 Vehicles Per Day)



- The TSP classifies NW 10th as a Neighborhood Route; Elm Street is likely considered as a Standard Local Street and the remaining streets in Phase II are likely Low Volume Local Streets.
- The cross sections indicated in the applicant's plans (depicted on "Street Sections and General Construction Notes", page 5 of 8 of the submitted plans) do not all align with the above TSP standards for sidewalk widths, parking widths, and roadway widths.
- The proposed sidewalks along Elm (not adjacent to the park) are partially on private property. **Condition #56** states that areas where sidewalks are partially located on private property shall be noted with a sidewalk easement on the final plat.
- The master plan for Northwoods is part of the Planning Commission packet, titled "Northwood Estates, Canby, OR, Conceptual Development Plan" dated December 29, 2005. According to the Development Agreement dated 1/11/07, this subdivision application shall be bound to this master plan. This conceptual plan does not specify street cross sections but does specify lot areas; the applicant likely is proposing street cross sections that accommodate the proposed lot areas.
- In addition, the traffic study concluded that the proposal meets the requirements of the TSP and the proposed streets meet the widths specified in SUB 05-12 Condition #10.
- Moreover, Condition #29 from SUB 05-12 states that 5' sidewalks are required on all frontages-this conflicts with the sidewalk width specified in the TSP; some of the proposed sidewalks are only 4.5 feet with a 6" curb, which may be interpreted as a 5' sidewalk.
- The Planning Commission could require 6 foot sidewalks so that sidewalks are in conformance with the above TSP standards. The sidewalks would then be partially on private property and would have to be indicated on the final plat with a sidewalk easement. If such a condition were to be proposed, the Planning Commission should specify if the 6" curb is to be included in the sidewalk width measurement.
- "Northwood Estates, Canby, OR, Conceptual Development Plan" dated December 29, 2005 shows planter strips along NW 12th Avenue; the applicant requests that the sidewalks along

- NW 12th be curb-tight with no planter strips.
- The plans show bulb-out areas at Elm and NW 10th Avenue and Douglas and NW 10th Avenue. Public Works has requested that the bulb outs be paved with stamped concrete, therefore **Condition #24** is proposed.
 - The planter strips along NW 10th are staying, but the applicant's original plans for using the strips for stormwater infiltration is proposed to be changed. Pervious pavement in the parking areas along 10th is instead proposed. The NW 10th planter strips should be planted with trees-see **Conditions # 57-58** regarding street trees. Vision clearance needs to also be maintained-see **Condition #26** regarding vision clearance.
 - See 16.46.010(A)(1) for more discussion on street widths and parking restrictions.

4. Consider opportunities to incrementally extend and connect local streets to provide for safe and convenient bike and pedestrian circulation.

Findings: See the discussion of street connectivity under 16.64.010. There are no existing bike lanes adjacent to the development and no new bike lanes are proposed or called for in the TSP. The Final Findings, Conclusions, & Final Order for SUB 05-12 state in Condition #33 that shared (not striped) bike lanes are required on NW 10th Avenue-no additional improvements are needed to achieve a shared (not striped) bike lane; **Condition #29** re-states this condition for general knowledge. Additionally, the traffic study did not recommend any bike and pedestrian circulation improvements.

B. Permeable Surfaces. Permeable surfacing alternatives and on-site stormwater management facilities, are encouraged for street improvements. Permeable surfacing and LID stormwater management facilities shall be constructed in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, porous asphalt, and other similar approved materials. Alternative surfacing methods may be approved for public and private roads, road shoulders, pedestrian ways, driveways, and easement service roads unless site constraints make use of such materials detrimental to water quality. Use of permeable surfacing methods shall meet the imposed load requirements for fire apparatus, and shall be subject to review and approval by the Canby Public Works Department.

Findings: The applicant proposes permeable pavement along NW 10th Avenue. Prior to the installation of public improvements, the applicant shall submit public improvement plans, including plans detailing permeable pavement areas. These plans shall be inspected and approved by Canby Public Works and the consulting city engineer reviewing this project prior to the installation of public improvements (**Condition #42**).

C. Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the control and disposal of the land composing such strips is placed within the jurisdiction of the city, under conditions approved by the commission.

Findings: No reserve strips or street plugs are proposed.

D. Alignment. All streets other than minor streets or cul-de-sacs, shall, as far as possible, be in alignment with the existing streets by continuations of the center lines thereof. Jogs creating "T" intersections shall have centerline offsets of not less than one hundred fifty feet, unless it is found that community benefits of such an alignment outweigh its disadvantages.

Findings: NW 12th jogs because of the existing east/west misalignment adjacent to the proposal; it does not jog more than 150'. It appears Douglas Street will not align with the existing Douglas spur off NW 9th. All other proposed streets are in alignment with existing streets. See the street connection discussion under 16.64.010(A)(1).

E. Future Extension of Streets. Where a subdivision adjoins unplatted acreage, streets which in the opinion of the commission should be continued in the event of the subdivision of the acreage, will be required to be provided through to the boundary lines of the tract. Reserve strips, street plugs and temporary turnaround areas may be required to preserve the objectives of street extensions. Reserve strips and street plugs shall be deeded to the city prior to final plat approval. The Planning Commission may require that the costs of title insurance and recordation fees, if any, for such areas be borne by the subdivider. If, in the opinion of the city engineer, a traffic pedestrian, or safety hazard temporarily exists by the construction of a dead-end street, he may direct that a barricade of adequate design be installed at the developer's expense as one of the required improvement items for the subdivision.

Findings: The applicant is connecting to available adjacent street extensions. NW 11th and "B Street", to be named NW 11th Place, abut platted acreage and are unlikely to ever be extended.

F. Intersection Angles. Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles of less than thirty degrees will be approved unless necessitated by topographic conditions. When intersections of other than ninety degrees are unavoidable, the right-of-way lines along the acute angle shall have a minimum corner radius of twelve feet. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than twelve feet.

Findings: All proposed intersection angles are at or near right angles except the NW corner of 11th at Elm is ~100 degrees and the SW corner of 11th at Elm is ~80 degrees. **Condition #25** states that the final street plans shall show that the right-of-way lines at the SW corner of 11th at Elm have a minimum corner radius of 12 feet.

G. Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width, dedication of additional right-of-way shall be provided at the time of subdivision.

Findings: Streets adjacent to the proposed subdivision are adequate; see 16.64.010(A)(3) for the discussion on street and right of way widths.

H. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the commission finds it will be practical to

require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips, street plugs, special signs and barricades may be required to preserve the objectives of half streets.

Findings: No half streets are proposed with this subdivision.

I. Cul-de-sacs. A cul-de-sac shall only be allowed when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation.

Findings: The applicant is proposing one cul-de-sac in Phase II, "B" Street (to be named NW 11th Place); adjacent property to the east prevents a through street.

When cul-de-sacs are provided, all of the following shall be met:

1. The cul-de-sac shall not exceed a length of 400 feet. Length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;

Findings: The above provision is met.

2. The cul-de-sac shall be designed in accordance with the Canby Public Works Design Standards:

Chapter 2.206, Canby Public Works Design Standards, Cul-de-sacs and Eyebrows:

a. Cul-de-sacs shall only be allowed per the Canby Development Code Chapter 16.64.010. Cul-de-sacs and eyebrows shall be allowed only on local streets.

b. Cul-de-sacs shall not be more than four hundred (400) feet in length, and shall serve no more than 25 dwellings. The length of a cul-de-sac shall be measured along the centerline of the roadway from the near side right-of-way of the nearest through traffic intersecting street to the farthest point of the cul-de-sac right-of-way.

c. The minimum radius for a cul-de-sac bulb right of way shall be 54 feet with a minimum curb radius of 48 feet.

d. The minimum curb radius for transitions into cul-de-sac bulbs shall be twenty-eight (28) feet minimum and the right-of-way radius shall be sufficient to maintain the same right-of-way to curb spacing as in the adjacent portion of the road.

e. When cul-de-sacs are allowed, provisions for connectivity of other public facilities shall be made. Specifically, pedestrian connections as called for in the Canby Development Code Chapter 16.64.010, and looping of the water distribution system.

2.205 Intersections

Street Class Intersection Spacing (Ft.)

Local/Cul-de-sac 150 – 600

Findings: The proposed cul-de-sac, "B Street", to be named NW 11th Place, is a local street. The cul-de-sac length/intersection spacing is less than 400 feet and serves 7 dwellings. Adjacent private property to the east prevents a pedestrian connection from the cul-de-sac. **Conditions 2, 3, & 45** address utility agency requirements, including requirements CUB may have for

looping of the water distribution system.

The applicant states in their letter dated 1/2/14 that the proposed cul-de-sac curb radius is 29 feet and right-of-way radius of 35 feet.

Therefore, the cul-de-sac requirements above are met except for the 54' right-of-way radius and the 48' curb radius requirements. The conceptual master plan dated December 2005 shows the proposed cul-de-sac but it does not specify dimensions; the proposed dimensions likely accommodate the proposed lots. In addition, SUB 05-12 Condition of Approval #10 states that "the minimum curb radius for cul-de-sacs shall be 48-feet to facilitate maintenance vehicles per IFC standards." The Planning Commission should determine if this is an issue and if a larger cul-de-sac should be required. The Fire Department has OK'd the proposed cul-de-sac if lots 52, 53, and 54 have fire sprinklers installed per IFC and IBC standards-see **Condition #74**.

3. *The cul-de-sac may have a vegetated center island that will serve to treat stormwater runoff generated by the cul-de-sac. Specifications for cul-de-sac design are located in the Public Works Design Standards.*

Findings: City staff expressed maintenance concerns over having a vegetated center at the pre-application conference; a vegetated center island is not proposed.

4. *The cul-de-sac shall provide a pedestrian connection between it and adjacent streets, access ways, parks, or other right-of-way. Such pedestrian ways shall conform to Section 16.64.030(C).*

Findings: Adjacent private property to the east prevents a pedestrian connection from the cul-de-sac.

- J. *Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal access streets, through lots with suitable depth, screen planting contained in a nonaccess reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

Findings: The proposed development does not abut or contain existing or proposed arterial streets.

- L. *Street Names. No street name shall be used which will duplicate or be confused with the name of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and the surrounding area and shall be subject to the approval of the commission.*

Findings: The proposed street names are logical and extend from abutting streets. Individual addresses are assigned by the city in accordance with Chapter 12.04 of the Canby Municipal Code. The applicant proposes "B Street" to be named NW 11th Place. **Condition #48** states that "NW 11th Place" shall be noted on the final plat and on all final construction plans. **Conditions #19-21** address street signage requirements.

M. Planting Easements. *The Planning Commission may require additional easements for planting street trees or shrubs.*

Findings: A 12 foot street tree easement along the frontages of all proposed parcels is recommended; this easement may be combined with other utility easements. The City has a newly updated Chapter 12.32, Tree Regulations, which specify tree spacing, planting, species selection, and establishment procedures. The Tree Regulations require the applicant pay a fee to the city based on the number of trees to be planted; then the City Arborist is responsible for the placement, planting, and establishment of the trees.

Therefore, as **Conditions # 57-58** state that the final plat shall show a 12 foot tree easement along all street frontages of all proposed parcels and the applicant shall pay the city fee for city establishment of street trees per the Tree Regulation standards in Chapter 12.32. This easement may be combined with other utility and sidewalk easements and shall be measured from the property boundary. All street tree fees shall be paid prior to the recordation of the final plat. The applicant is proposing curb-tight sidewalks along NW 12th, therefore, if the sidewalks along NW 12th are to be curb tight, then the above condition also applies the all parcels along NW 12th.

In addition, the applicant proposes a planter strip along the right-of-way for NW 10th Avenue. The applicant shall pay a fee to the city based on the number of trees to be planted along the planter strips along NW 10th Avenue prior to the recordation of the final plat.

N. Grades and Curbs. *Grades shall not exceed seven percent on arterials, ten percent on collector streets, or fifteen percent on any other street. In flat areas allowance shall be made for finished street grades having a minimum slope of .5 percent. Centerline radii of curves shall not be less than three hundred feet on major arterials, two hundred feet on secondary arterials, or one hundred feet on other streets, unless specifically approved by the City, and shall be to an even ten feet.*

Findings: The applicant shall submit grading and erosion control plans for approval by Canby Public Works prior to the construction of public improvements. In addition, if applicable, a 1200c erosion control permit shall be obtained from DEQ; if DEQ does not require a 1200c permit the applicant shall submit documentation from DEQ stating that a 1200c permit is not required-see **Condition #8**.

Phase I has had issues with the grading on parcels being uneven and neighbor house elevations being uneven. Therefore, staff proposes a condition requiring that the applicant grade all areas of the site, including the proposed lots, to a height within one foot of the house foundation ground elevation. Grading of all proposed roads shall follow the natural topography and shall preserve the natural features of the site as much as possible (**Condition #7**).

In addition, the homebuilder is required to obtain a city erosion control permit at the time of home construction (**Condition #67**).

16.64.015 Access

B. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.

Findings: **Condition #7** addresses the above.

C. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.

Findings: See 16.10.070 (B) for discussion on driveway standards. The applicant's narrative states that joint driveways are proposed for properties along Elm. Therefore the standards for joint and shared access driveways of 16.10 are applicable and will be verified for compliance during the building permit process.

D. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.

Findings: This proposed subdivision design was routed to Canby Fire District and Canby Disposal for comment. Canby Fire District stated that roadways need a 20 foot clear aisle. See 16.64.010(A)(3) for more discussion of streets and 16.46.010(A)(1) for discussion on parking restrictions.

E. Streets shall have sidewalks on both sides. Pedestrian linkages should also be provided to the peripheral street system.

Findings: All streets have sidewalks proposed. See discussion under 16.64.010(A)(3).

F. Access shall be consistent with the access management standards adopted in the Transportation System Plan.

Findings: See discussion under 16.64.010(A)(3). The traffic study did not report any access issues. New driveways and accesses are verified for compliance with Chapter 16 during the building permit process and/or with a Street Opening Permit.

16.64.020 Blocks.

A. Generally. The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for access, circulation, control and safety of street traffic and limitations and opportunities of topography.

Findings: Lots sizes conform to the standards of the R-1 Zone. The traffic study did not report any in access, circulation, control, or safety concerns. See below for discussion on block sizes and lengths.

A. Sizes. Block length shall be limited to 300 feet in the C-1 zone, 400 feet in residential zones, 600 feet in all other zones, except for 1,000 feet on arterials. Exceptions to this prescribed block standard shall be permitted where topography, barriers such as railroads or arterial roads, or environmental constraints prevent street extension. The block depth shall be sufficient to provide two lot depths appropriate to the sizes required by Division III.

Findings: The proposed blocks, as specified in the “Northwoods Estates Conceptual Plat Phases I,II,II & IV”, and in the master plan, “Northwood Estates, Canby, OR, Conceptual Development Plan”, do not all conform to the above 400 foot maximum block length. All lot depths accommodate two or more lots.

According to the Development Agreement dated 1/11/07, this subdivision application shall be bound to this master plan. This conceptual plan does not specify block lengths but does specify lot areas; the applicant likely is proposing block lengths that accommodate the proposed lot areas.

Considering only the proposed streets for Phase II:

- 10th Avenue between Douglas and Elm is over 400’.
- The western half of NW 10th will be over 400’ when existing adjacent properties are included.
- The western half of NW 12th will be over 600’ when existing adjacent properties are included.
- The eastern half of NW 12th will be about 400’ when existing adjacent properties are included but the exact length is not noted on the submitted plans.
- NW 11th Avenue between Douglas and Elm will be a little over 400’.
- The eastern half of NW 10th will be a little over 400’ when existing adjacent properties are included but the exact length is not noted on the submitted plans.

16.64.030 Easements

A. Utility Lines. Easements for electric lines or other public utilities are required, subject to the recommendations of the utility providing agency. Utility easements twelve feet in width shall be required along all street lot lines unless specifically waived. The commission may also require utility easements alongside or rear lot lines when required for utility provision. The construction of buildings or other improvements on such easements shall not be permitted unless specifically allowed by the affected utility providing agency.

Findings: Condition #54 states that the city will require a 12 foot easement along all of the lot’s street frontages; additional agency requirements are addressed with **Conditions 2, 3, & 45**. Canby Utility may require additional water line easements and any additional easements required by Canby Utility shall be noted on the final plat-see **Condition #55**.

C. Pedestrian Ways. In any block over six hundred feet in length, a pedestrian way or combination pedestrian way and utility easement shall be provided through the middle of the block. If unusual conditions require blocks longer than one thousand two hundred feet, two pedestrian ways may be required. When essential for public convenience, such ways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through green way systems. Sidewalks to city standards may be

required in easements where insufficient right-of-way exists for the full street surface and the sidewalk. All pedestrian ways shall address the following standards to provide for the safety of users:

Findings: Considering only the proposed streets for Phase II, the western half of NW 12th will be over 600' when existing adjacent properties are included. No pedestrian ways are proposed along NW 12th.

According to the Development Agreement dated 1/11/07, this subdivision application shall be bound to this master plan. This conceptual plan does not specify pedestrian ways.

The block length of existing adjacent properties exceeds 600' and the argument can be made that this development is not the cause of the long block length. An ideal location for a pedestrian connection would be approximately half way between the block, which would be on an existing property and difficult to obtain.

1. Length should be kept to a minimum and normally not in excess of two hundred feet;
2. Width should be maximized and shall not be below ten feet. For pathways over one hundred feet long, pathway width shall increase above the minimum by one foot for every twenty feet of length;
3. A minimum of three foot-candles illumination shall be provided. Lighting shall minimize glare on adjacent uses consistent with the outdoor lighting provisions in section 16.43 of this code;
4. Landscaping, grade differences, and other obstructions should not hinder visibility into the pedestrian way from adjacent streets and properties. Fencing along public pedestrian ways shall conform with the standards in Section 16.08.110;
5. Surrounding land uses should be designed to provide surveillance opportunities from those uses into the pedestrian way, such as with the placement of windows;
6. Exits shall be designed to maximize safety of users and traffic on adjacent streets; and
7. Use of permeable surfacing materials for pedestrian ways and sidewalks is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.

Findings: No pedestrian ways are proposed along NW 12th; see discussion above.

16.64.040 Lots

- A. Size and Shape.** The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three times its width (or four times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.

Findings: See discussion of lot sizes under 16.16 R-1 Zone. No proposed lot depths exceed three times the width.

B. Minimum Lot Sizes:

1. Lot sizes shall conform with requirements of Division III unless the applicant chooses to use an alternative lot layout per subsection (3) below to accommodate interconnected and continuous open space and or other natural resources. In this case, the average minimum lot size may be reduced by 5,000 square feet after subtracting access tracts. Overall development densities shall comply with the underlying maximum density allowed by the zone.

Findings: See discussion of lot sizes under 16.16 R-1 Zone. No alternative lot layouts are proposed.

- C. Lot Frontage.** All lots shall meet the requirements specified in Division III for frontage on a public street, except that the Planning Commission may allow the creation of flag lots, cul-de-sac lots and other such unique designs upon findings that access and building areas are adequate. Lots that front on more than one major street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

Findings: See discussion of lot sizes under 16.16 R-1 Zone. The applicant is proposing cul-de-sac lots for lots 51-54 with less than the required street frontages. Some lots also have curved edges but all proposed lots meet the minimum lot size of the R-1 Zone and provide adequate access. Lots 70 and 71 front a local street (Douglas) and a neighborhood collector/neighborhood route (NW 10th). Customarily, the above provision is only applied to arterials and collector roads. The Planning Commission should consider if lots 70 and 71 should only take access off Douglas, a lower street classification than NW 10th Avenue. **Condition #76**, a condition from SUB 05-12, states that lots 57 and 67 shall have access off NW 10th Avenue only, which is in conflict with the above standard. This condition was ordered to help prevent conflicts on the one way sections of Elm adjacent to the park strip. All other lots for Phase II front one or more local streets or exclusively NW 10th.

- D. Double Frontage.** Double frontage or through lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

Findings: No double frontage lots are proposed.

- E. Lot Side Lines.** The side lines of lots shall run at right angles to the street upon which the lots face, or on curved streets they shall be radial to the curve, unless there is some recognizable advantage to a different design.

Findings: Side lot lines appear to mostly be at right angles to the streets the lots face except for lots 62/63 and cul-de-sac lots 51-54. Lots 44, 45, 47, 48, 50, 56, 57, 64, 66, and 67 have portions of side lot lines that are at angles in order to fit in the street pattern.

F. Resubdivision. In subdividing tracts into large lots which at some future time are likely to be resubdivided, the location of lot lines and other details of the layout shall be such that resubdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of building locations in relationship to future street rights-of-way shall be made a matter of record if the commission considers it necessary.

Findings: No future resubdivision of lots is expected.

G. Building Lines. If special building setback lines are to be established in the subdivision plat, they shall be shown on the subdivision plat or included in the deed restrictions. This includes lots where common wall construction is to be permitted between two single-family dwellings.

Findings: No special building setback lines are proposed.

J. Designation of Lots as 'Infill Home' Sites. The Planning Commission may require that homes built on one or more lots adjacent to existing development be subject to any or all of the requirements of 16.21.050 - Infill Homes. Furthermore, for subdivisions where the parent parcel(s) is less than two acres in size, the Planning Commission may require that all homes built on lots in the subdivision be subject to any or all of the requirements of 16.21.050. These requirements are to be shown on the subdivision plat or included in the deed restrictions.

Findings: See discussion of infill lots under 16.21.050 and **Condition #53 & 73**. Lots 42, 52, 54, 59, 60, 74 are determined to be infill lots and shall be noted as "Infill lots subject to the infill lot standards of 16.21".

16.64.050 Parks and recreation.

Subdivisions shall meet the requirements for park, open space and recreation as specified in Division VI.

Findings: Refer to the discussion under 16.120.

16.64.060 Grading of building sites.

The commission may impose bonding requirements, similar to those described in section 16.64.070, for the purpose of ensuring that grading work will create no public hazard nor endanger public facilities where either steep slopes or unstable soil conditions are known to exist.

Findings: Staff does not propose a grading bond because the site has flat topography with no steep slopes with little possibility for issues.

16.64.070 Improvements

A. Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations, or at his own option, shall conform to the requirements of these regulations and improvement standards and

specifications followed by the city, and shall be installed in accordance with the following procedure:

1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or partition. No work shall commence until the developer has signed the necessary certificates and paid the subdivision development fees specified elsewhere in this division.
2. Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified.
3. Improvements shall be constructed under the inspection and to the satisfaction of the City. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction which warrant the change.
4. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.

Findings: The applicant shall submit engineered plans of all public improvements, including: curbing and sidewalks; planter strips; streets; street lighting; street signage; street striping; park improvements; storm; sewer; electric; water/fire hydrants; cable; lot, street and perimeter monumentation; underground telephone lines; CATV lines; and natural gas lines (**Conditions #2-3**).

Per the findings made in the “Canby Northwoods Subdivision Phase 2&3 Traffic Assessment” memorandum from DKS dated 9/6/13, roadway striping should be in accordance with the MUTCD. In particular, roadway striping needs to be reviewed for the one way portions of N. Elm to differentiate travel directions on one ways (as stated at the pre-application conference). Gordon Munro, the consulting engineer assigned to review this proposal, also commented that the striping at the entrance and exit of the one-way couplet on Elm Street was of particular concern and needs to be reviewed prior to the public improvement stage of this project.

In addition, all public improvements must be in accordance with the Public Works Design Standards, the results of the traffic studies, and applicable agency standards. Per the findings made in the traffic study, roadway signage should be in accordance with the MUTCD. In addition, many requested design changes that were discussed at the pre-application meeting need to be addressed on the final public improvement plans in order for Public Works, the consulting city engineer, and applicable agencies to be able to approve the final plans prior to the construction of public improvements and/or prior to the approval of the final plat (**Conditions #2, 3, & 45**).

Prior to the start of any public improvement work, the applicant must schedule a pre-construction conference with the city and obtain sign-off from the consulting City Engineer for this proposal (Gordon Munro, Kennedy/Jenks Consultants), applicable Canby Public Works personnel, and from other applicable agencies (**Conditions #2-3**). Sanitary system and storm drainage plans shall be approved by DEQ prior to the construction of public improvements. Gordon Munro’s comments in the memorandum

dated 2.6.14 have been incorporated into this staff report and **Condition #4** states that the applicant shall address all comments made in his 2.6.14 memorandum prior to the construction of public improvements.

The Canby Parks Department and the Canby Parks and Recreation Board shall approve all park improvement plans prior to the start of construction. The applicant shall receive approval of proposed park plans by the Canby Parks Department and the Canby Parks Board prior to the construction of public improvements and prior to the City Council acceptance of the proposed park dedication; see **Conditions # 30, 31, 59, & 60** conditions regarding parks.

All public improvements must be installed prior to the recordation of the final plat. Alternatively, if the applicant wishes to forgo construction of public improvements until after the recordation of the final plat, then the applicant shall pay a bond in accordance with 16.64.070(N-P) to the city as assurance.

A separate final plat application is required for review and approval prior to execution and filing of record. Prior to the recordation of the final plat, the city will route the plat to applicable agencies for comment; the city will not approve the final plat until the requirements of all city departments and agencies are met.

Note: Installation of sidewalks is customarily not required until homes are built on their respective lots and is permitted by 16.64.070(G); curbing is normally installed by the developer. **Condition #77** states that all sidewalks fronting house lots shall be installed on their respective lots at the time of home construction. See 16.64.010(A)(3) for more discussion on sidewalks.

5. A map showing public improvements "as built" shall be filed with the city engineer within sixty days of the completion of the improvements.

Findings: Condition #49 states that all "as built" of public improvements, including: curbing and sidewalks; planter strips; streets; street lighting; street signage; street striping; park improvements; storm; sewer; electric; water/fire hydrants; cable; lot, street and perimeter monumentation; underground telephone lines; CATV lines; and natural gas lines, shall be filed at Canby Public Works and Canby Planning within sixty days of the completion of improvements and prior to the recordation of the final plat.

B. The following improvements shall be installed at the expense of the subdivider unless specifically exempted by the Planning Commission:

- 1. Streets, including drainage and street trees;**
- 2. Complete sanitary sewer system;**
- 3. Water distribution lines and fire hydrants;**
- 4. Sidewalks and any special pedestrian ways;**
- 5. Street name and traffic-control signs;**
- 6. Streetlights;**
- 7. Lot, street and perimeter monumentation;**
- 8. Underground power lines and related facilities;**
- 9. Underground telephone lines, CATV lines, natural gas lines, and related facilities;**

Findings: See the discussion above and Conditions 2, 3, &45.

The applicant proposes to maintain the existing overhead lines along 10th Avenue and underground lines in the remainder of the development.

Monumentation requirements are addressed in Conditions #61-64.

10. *Where dedicated or undedicated open space is proposed or provided, it shall be the subdivider's responsibility to provide standard public improvements to and through that open space.*

Findings: The applicant proposes to dedicate open space. The Planning Commission is welcome to give input on the park's design. Planning staff thinks two rows of trees on either side of the boulevard strip with a middle meandering sidewalk would create a pleasant street canopy and the center sidewalk or pathway would provide a location to install park benches where the open space and shade of the trees could be enjoyed; any pedestrian paths should align with the surrounding sidewalk layouts. If little public opinion is received for the proposed park design, then the Canby Parks Department will be the primary designer; the preliminary park design in your packet has received modification requests from the Canby Parks Department.

Some of the comments from the Parks Department include:

- Provide 5-foot sidewalk around the park
- Provide a driveway entrance and parking area for maintenance in the park
- Provide an electrical service and a water service stub
- Do not include concrete sidewalks across the park,
- Do not include utility valves in the park
- Put all irrigation valves in one location,
- Do not provide lights
- Provide a row of tree in the middle of the strip at 40-foot intervals alternating between crimson king maple and autumn purple ash
- Provide a trash receptacle and pet waste dispenser.

The Canby Parks and Recreation Board and the Canby Parks Department shall approve all park improvement plans prior to the start of construction of park improvements. In addition, the Canby City Council shall be required to formally accept the proposed park dedication prior to the start of the construction of park improvements. The applicant shall obtain approval of park improvement plans from the Canby Parks Department and the Canby Parks and Recreation Board prior to City Council acceptance of the proposed dedication. See Conditions #30-31.

See 16.120 for more discussion of park improvements.

11. *If fencing is being proposed as part of subdivision development, the subdivider shall be responsible for installing fencing along public streets and pedestrian ways. Fencing shall be constructed in accordance with the standards in Section 16.08.10*

Findings: The submitted plans do not show any proposed fencing.

C. Streets.

1. All streets, including alleys, within the subdivision and streets adjoining, but only partially within the subdivision shall be improved.

Findings: All streets within and adjacent to the subdivision are proposed to be improved.

2. All public and private streets shall be constructed to city standards for permanent street and alley construction. LID alternatives, such as permeable surfacing and integrated stormwater management facilities, are required where site and soil conditions make it a feasible alternative. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92.

Findings: Conditions #2, 3, & 16-29 address street improvements, **Condition #42** addresses approval of any proposed pervious pavement; the applicant proposes pervious pavement along NW 10th Avenue.

Monumentation requirements are addressed in **Conditions #61-64**. Per above, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92.

3. **Street Trees.** Street trees shall be provided consistent with the provisions of Chapter 12.32.

Findings: Conditions #57-58 address the standard above.

4. Prior to city approval of the final subdivision plat, all perimeter and back lot line monumentation shall be installed and the installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense.

Findings: Monumentation requirements are addressed in **Conditions 61-64**; per above, monumentation shall be installed and the installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense.

5. If any lot abuts a street right-of-way that does not conform to the design specifications of this ordinance, the owner may be required to dedicate up to one-half of the total right-of-way width required by this ordinance.

Findings: The above provision is not applicable to any of the proposed lots.

6. The proposed use shall not impose an undue burden on the transportation system. The City may require the applicant to provide adequate information, such as a traffic impact

study, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate impacts attributable to the project.

7. The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.

Findings: A traffic study was required and conducted. See 16.08.150 for discussion of traffic-related concerns and the recommendations of the traffic study and traffic calming/SDC credits.

8. Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or access ways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
9. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use.

Findings: The proposed streets shall all be public streets/public right of way. Streets are dedicated by the depiction of lot boundaries on the final plat; the county delineates the boundaries of streets/right of ways when the plat is recorded. **Conditions 2, 3, & 45** address public improvement requirements.

D. Surface Drainage and Storm Sewer System.

1. Drainage facilities shall be provided within the subdivision and to connect the subdivision to drainage ways or storm sewers outside the subdivision, if necessary, as determined by the City.
2. Stormwater Management through Low Impact Development (LID). Low impact development is a stormwater management approach aimed at emulating predevelopment hydrologic conditions using a combination of site design and stormwater integrated management practices. This approach focuses on minimizing impervious surfaces, promoting rainfall evaporation and uptake by plants, and maximizing stormwater infiltration. Specific LID strategies and integrated management practices include:
 - a. Protection and restoration of native vegetation and soils,
 - b. Minimizing impervious surface area through use of pervious materials (e.g. pavers and pervious concrete).
 - c. Vegetated roofs,
 - d. Rainfall reuse,
 - e. Stormwater dispersion and bioretention (recharge).
3. All new subdivisions in Canby are required to treat stormwater on site. Stormwater management using LID practices is required where feasible, pursuant to requirements of this chapter and other applicable sections of this code. LID facilities shall be constructed in accordance with Canby Public Works Design Standards.

Findings: The applicant submitted a letter from DEQ dated 2.6.07 approving the use of the proposed drywells (UICs), sedimentation manholes, and bioswales/trenchdrains for all Northwoods phases. The applicant also turned in a drainage report dated 10.6.06 that addressed all phases of Northwoods. In the applicant's letters dated 1.4.14 and 1.17.14 and as

discussed at the pre-application meeting, the applicant has plans to install pervious pavement instead of the bioswales/trenches on NW 10th Avenue. The submitted stormwater plans and stormwater report do not indicate the changes in plans. **Conditions #40-41** state that the applicant shall submit revised storm plans and a revised storm report that includes any proposed stormwater design changes.

All final stormwater plans and reports must be approved by the consulting City Engineer for this proposal (Gordon Munro, Kennedy/Jenks Consultants), and by DEQ. The applicant must schedule a pre-construction conference with the city and obtain sign-off on stormwater plans by the consulting City Engineer for this proposal (Gordon Munro, Kennedy/Jenks Consultants), applicable Canby Public Works personnel, DEQ, and from other applicable agencies -see **Conditions #39-44**.

4. A conceptual stormwater management report must be submitted with the subdivision application. The report must demonstrate how and where stormwater will be managed on site at the subdivision. Where LID practices are not used, the applicant must demonstrate why LID is not feasible. The report will be reviewed by the Canby Public Works Department and shall be consistent with the Public Works Design Standards. Generally, the stormwater management plan must include the following:
 - a. A description of existing conditions including a map;
 - b. A description of the proposed stormwater system including a map;
 - c. An estimate of existing storm water run off;
 - d. An estimate of proposed storm water run off;
 - e. The detention/retention requirements; and
 - f. The discharge location, treatment method and sizing, and if discharging to the ground, the expected infiltration rates based upon soils mapping data.

Findings: The applicant turned in a drainage report dated 10.6.06 that addressed all phases of Northwoods. However, this drainage report does not address the proposed changes, applicant needs to turn in a modified report.

All stormwater plans and reports must be approved by the consulting City Engineer for this proposal (Gordon Munro, Kennedy/Jenks Consultants) and by DEQ. The applicant must schedule a pre-construction conference with the city and obtain sign-off on stormwater plans by the consulting City Engineer for this proposal (Gordon Munro, Kennedy/Jenks Consultants), and DEQ-see **Conditions #39-44**.

5. Responsibility for maintenance of LID facilities shall be as follows:
 - a. The Canby Public Works Department shall be responsible for maintaining all LID facilities located within the public right-of-way, and for providing for the safety of the public as related to LID facilities,
 - b. Private property owners shall be responsible for maintaining all LID facilities on their property. The city reserves the right to inspect such facilities at any time. Upon written notice by the city to the owner that the facility has been compromised to the point where the design capacity is no longer available or the facility is not functioning as designed and approved, the owner shall correct the problem. If the

owner fails to respond to the written notice within 15 days, the city may undertake the work and bill all time and material to the owner.

- c. For LID facilities that are not located in the public right-of-way and serve multiple private residential properties, a public easement for the LID facility shall be established and the Canby Public Works Department shall be responsible for maintenance of the facility. All property owners served by the facility shall pay a stormwater maintenance fee to the city to cover the cost of maintenance of the facility.

Findings: All proposed LID facilities will be in the public right of way and will be owned and maintained by the City of Canby. Any LID facilities constructed on private property shall be the responsibility of the property owner, unless the facility serves multiple private residential properties in which case a public drainage easement for the facility shall be established and property owners served by the facility shall pay a storm water maintenance fee.

- E. Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the city sewer system, the commission may authorize the use of septic tanks if lot areas are adequate, considering the physical characteristics of the area. The commission may require the subdivider to install and seal sewer lines to allow for future connection to the city system.

Findings: The applicant will be connecting to the public sanitary sewer system. Sanitary plans must be approved by the city and DEQ prior to their construction. See **Conditions #34-38**.

- F. Water System. Water lines and fire hydrants serving the subdivision and connecting the subdivision to city mains shall be installed to the satisfaction of the supervisor of the water department and the Fire Marshal.

Findings: **Conditions #2, 3, 32-33, 45, & 55** address water system requirements and requires CUB and Canby Fire approval of water system plans, with Canby Fire focused on fire hydrant location and spacing.

- G. Sidewalks. Sidewalks shall be required on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of identified arterials, or industrial districts, the commission may approve a subdivision without sidewalks if alternative pedestrian routes are available. Sidewalk construction may be postponed until the actual construction of buildings on the lots, provided that adequate assurance is given that such sidewalks will be installed. Where LID practices are implemented in subdivision street design, alternative sidewalk design may be permitted with the approval from the city. Alternative sidewalk design resulting from LID best management practices may include, but are not limited to: flat curbs, LID bioretention areas incorporated in conjunction with required landscaping, and alternative sidewalk widths. LID best management practices shall be designed in accordance with the Canby Public Works Design Standards.

Findings: See the sidewalk installation discussion under 16.64.070(A). It has been Canby's practice to forgo sidewalk construction on home lots until the time of home construction; no assurances have customarily been collected, relying on final inspections before allowing occupancy.

H. Bicycle Routes. *If appropriate to the extension of a system of bicycle routes, existing or planned, the commission may require the installation of bicycle lanes within streets or the construction of separate bicycle paths.*

Findings: No bicycle lanes are adjacent to the proposed development and no new lanes are proposed or called for in the TSP. Additionally, the traffic study did not recommend any bike and pedestrian circulation improvements. The Final Findings, Conclusions, & Final Order for SUB 05-12 state in Condition #33 that shared (not striped) bike lanes are required on NW 10th Avenue. **Condition #29** re-states this condition for general knowledge.

I. Street Name Signs. *Street name signs shall be installed at all intersections according to city standards or deposit made with the city of an amount equal to the cost of installation.*

Findings: Condition #19-21 address approval of a street signage plan. The applicant shall be responsible for installing all required street signage, including street name signs, at the time of construction and installation of public improvements. Staff would prefer not to coordinate a street sign deposit arrangement with the applicant for administrative logistics reasons. We have asked public works to share their preference so we can place their preference in the condition of approval.

J. Street Lighting System. *Streetlights shall be required to the satisfaction of the manager of the Canby Utility Board.*

Findings: Conditions 2, 3, & 45 require approval of all public improvement plans by CUB.

K. Other Improvements.

1. *Curb cuts and driveway installation are not required of the subdivider but, if installed, shall be according to city standards.*

Findings: No curb cuts or driveways are proposed or shown on the submitted plans. **Condition #11** states that the applicant must obtain a city Street Opening Permit if the applicant wishes to install curb cuts and driveways so that the city may verify compliance with city access spacing standards. Otherwise, driveway spacing will be verified for compliance during the building permit process.

2. *Street tree planting is required of the subdivider and shall be according to city requirements.*

Findings: Conditions #57-58 address street tree requirements.

3. *The developer shall make necessary arrangements with utility companies or other persons or corporations affected, for the installation of underground lines and facilities.*

Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground, unless overhead installation has been specifically approved by the commission because of unique circumstances at the site.

Findings: The applicant proposes overhead lines along 10th Avenue and underground lines in the remainder of the development. Overhead lines are to remain along 10th Avenue for cost-efficiency purposes and under the advice of Canby Utility due to the high voltage line the existing poles carry.

- 4. Developments along existing rail lines may be required to provide barrier fences or walls if necessary ensure safety for development occupants. City may also require noise mitigation such as sound walls, or triple-pane windows in order to reduce the health impacts of train noises. Noise mitigation requirements shall be based on measured db levels when trains are in the vicinity and specific building construction features.*

Findings: The proposal is not adjacent to a rail line.

M. Survey Accuracy and Requirements. *In addition to meeting the requirements as set forth in Oregon Revised Statutes relative to required lot, street and perimeter monumentation, the following shall be required:*

- 1. An accuracy ratio of subdivision plat boundary line closure of one in ten thousand (.0001) feet as found in the field.*
- 2. Two primary perimeter monuments (one of which can be the initial point) having the same physical characteristics as the initial point. The monuments are to be on a common line visible, if possible, one to the other at time of approval and preferably at angle points in the perimeter. They shall be points as far apart as practicable. A survey monument witness sign of a design acceptable to the city engineer shall be placed within eighteen inches of both monuments. The position for the initial point and other primary perimeter monuments shall be selected with due consideration to possible damage during construction and desirability of witness sign location.*
- 3. Street centerline monumentation shall consist of a two-inch diameter brass cap set in a concrete base within and separate from a standard monument box with cover (standard city details applicable) at locations specified by the city engineer (generally at intersections with centerline of arterial or collector streets and within streets proposed to be greatly extended into adjacent future subdivisions). All other street centerline points (intersections, points of tangent intersections, cul-de-sac center lines, cul-de-sac off-set points) shall be monumented with a five-eighths-inch diameter steel rod thirty inches long with an approved metal cap driven over the rod and set visible just below the finish surface of the street. If any points of tangent intersection fall outside of a paved section street, the above monumentation will be required at point of curvature and point of tangency of the curve. All centerline monuments are to be accurately placed after street construction is complete.*

Findings: Monumentation requirements are addresses in **Conditions #61-64**. The City Engineer or County surveyor shall verify that the above standards are met prior to the recordation of the subdivision plat.

N. Agreement for Improvements. Before commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or execute and file with the city engineer, an agreement specifying the period within which required improvements and repairs shall be completed and provided that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and reasonable attorney fees necessary to collect the amounts from the land divider. The agreement shall also provide for reimbursement to the city for the cost of inspection by the city which shall not exceed ten percent of the improvements to be installed.

O. Bond.

1. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

a. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the City Attorney;

b. A personal bond cosigned by at least one additional person, together with evidence of financial responsibility and resources of those signing the bond, sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement;

c. Cash.

2. Such assurance of full and faithful performance shall be for a sum approved by the city engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of the city inspection.

3. If the land divider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the cost of expense incurred by the city exceeds the amount of the bond or cash deposit, the land divider shall be liable to the city for the difference.

P. Guarantee. All improvements installed by the subdivider shall be guaranteed as to workmanship and materials for a period of one year following written notice of acceptance by the city to the developer.

Findings: The applicant shall be responsible for installing all public improvements prior to the recordation of the final plat. No public improvement work shall be commenced until it is approved by all applicable parties. Alternatively, **Conditions #12-13** state that if the applicant wishes to forgo construction of public improvements until after the recordation of the final plat, then the applicant shall file an agreement for improvements, pay a bond, and guarantee the improvement work in accordance with 16.64.070(N-P) above.

The applicant must guarantee all public improvement work with a maintenance bond in accordance with (P) above-see **Condition #14**.

R. No fence/wall shall be constructed throughout a subdivision where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission.

Findings: No fences or walls are proposed or shown on the submitted plans.

16.64.80 Low Impact Development Incentives

The purpose of this section is to encourage the use of certain low impact development (LID) practices in subdivision development beyond the minimum requirements of this code. The provisions in this section are voluntary and are not required of new subdivisions. These provisions are applicable only when an applicant elects to utilize the incentives provided in this section. Only one incentive is permitted at a time. For example, an applicant cannot utilize a height bonus and density bonus in the same subdivision application.

Findings: The applicant has not requested height or density bonuses.

16.68 Subdivision Final Procedures and Recordation

16.68.010 Responsibilities of applicant.

Following the action of the city in approving or conditionally approving a tentative plat for a subdivision, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the city, prior to transfer of title of any of the lots involved.

Findings: Condition #46 addresses the above requirement.

16.68.020 Submittal of subdivision plat.

Within one year after approval of the tentative plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plat, as approved. The subdivider shall submit the original hardboard drawing, a Mylar copy, and any supplementary information to the city. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plat, he must formally request an extension of time, in writing, stating the reasons therefore. The City shall review such requests and may, upon finding of good cause, allow a time extension of not more than six additional months, provided that the request for the time extension is properly filed before the end of the one-year approval period.

Findings: Clackamas County Surveying reviews pending subdivision plat documents for Oregon statutes and county requirements. The subdivision plat must be recorded at Clackamas County within one year of approval of the tentative plan or the applicant must request that the Planning Director approve a six month extension for recordation of the approved final plat. (Condition #51).

16.68.030 Information required on plat.

In addition to that required for the tentative plat or otherwise specified by law, the following information shall be shown on the plat:

- A. Date, north point and scale of drawing;
- B. Legal description of the tract boundaries;

- C. Name and address of the owner or owners, subdivider, engineer or surveyor, and land planner or landscape architect;
- D. Tract boundary lines, right-of-way lines of streets and lot lines with dimensions, bearings or deflection angles and radii, arcs, points or curvature and tangent bearings. All bearings and angles shall be shown to the nearest one second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in tabulation form: curve radius, central angles, arc length, length and bearing of long chord. All information shown on the face of the plat shall be mathematically accurate;
- E. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement of record is not definitely located, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication;
- F. Name and right-of-way width of each street or other designated rights-of-way;
- G. Any building setback lines, if more restrictive than otherwise required in Division III;
- H. Numbering of blocks consecutively within the subdivision and numbering of lots within each block;
- I. Location and purpose for which sites, other than residential lots, are dedicated or reserved;
- J. Easements and any other areas for public use dedicated without any reservation or restriction whatever;
- K. A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat;
- L. The following certificates which may be combined where appropriate:
 1. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat,
 2. A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 3. A certificate with the seal of, and signed by, the engineer or the surveyor responsible for the survey and final plat,
 4. Other certifications now or hereafter required by law;

Findings: Condition #47 states that the final plat must contain the information required in 16.68.030 above, including a copy of all deed restrictions referenced in the plat or prepared to be recorded with the plat.

- M. Where any portion of the platted area is subject to inundation in the event of a one-hundred-year flood, that area shall be clearly indicated on the final plat.

Findings: No areas of this proposal are within the 100 year floodplain.

16.68.040 Information to accompany plat.

The following data shall accompany the final plat:

- A. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;

Findings: The county ensures all parties whose consent is necessary sign the final plat.

B. Sheets and drawings showing the following:

1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closing, if any,
2. The computation of distances, angles, and courses shown on the plat,
3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing;

Findings: Monumentation requirements are addressed in **Conditions #61-64**. The final plat must contain the information required in 16.68.040(B) above (**Condition #47**).

C. A copy of any deed restrictions applicable to the subdivision;

Findings: **Condition #47** addresses the above.

D. A copy of any dedication requiring separate documents;

Findings: See discussion under 16.64.070(C)(9) regarding street dedications; see discussion under 16.120 regarding park dedication.

- E.** A certificate by the city engineer that the subdivider has complied with the requirements for bonding or otherwise assured completion of required improvements; and
- F.** A certificate of the subdivider of the total cost or estimate of the total cost for the development of the subdivision in accordance with the provisions and requirements of this title or any other ordinance or regulation of the city relating to subdivision development. This certificate is to be accompanied by a final bid estimate of the subdivider's contractor, if there is a contractor engaged to perform the work, and the certificate of the total cost estimate must be first approved by the city engineer.

Findings: If the applicant chooses to pay a bond for some or all of the required public improvements, then a certificate from the designated city engineer for this proposal shall be obtained that states the requirements in (E) and (F) above. (**Condition #13**)

16.68.050 Technical plat review.

- A.** Upon receipt by the city, the plat and other data shall be reviewed to determine that the subdivision, as shown, is substantially the same as it appeared on the approved tentative plat and that there has been compliance with provisions of the law and of these regulations.
- B.** The City may make such checks in the field as are desirable to verify that the plat is sufficiently correct on the ground, and their representatives may enter the property for this purpose.
- C.** If the City determines that full conformity has not been made, the City shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.

Findings: Condition #47 addresses the above requirements.

16.68.060 Planning Commission approval.

Approval of the plat shall be indicated by the signatures of the Planning Director or their designee. After the plat has been approved by all city and county officials, one reproducible copy of all data (plat face, dedications, certificates, approvals), one copy of all plat data in a "dxf" digital format, and one copy of recorded restrictive and protective covenants shall be returned to the City Planner.

16.68.070 Filing of final plat.

Approval of the plat by the city, as provided by this division, shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the county assessor and the county governing body for signatures, as required by Oregon Revised Statutes Chapter 92. The plat shall be prepared as provided by Oregon Revised Statutes Chapter 92. Approval of the final plat shall be null and void if the plat is not recorded within six months of the date of the signature of the Planning Director.

Findings: Condition #50 addresses the above requirement. The city does not need a "dxf" format of the final plat.

16.86 Street Alignments

16.86.020 General provisions.

- A.** The Transportation System Plan shall be used to determine which streets are to be arterials, collectors, and neighborhood connectors. All new streets are required to comply with the roadway design standards provided in Chapter 7 of the TSP. The city may require right-of-way dedication and/or special setbacks as necessary to ensure adequate right-of-way is available to accommodate future road widening projects identified in the TSP.
- B.** Right-of-way widths and cross section standards for new streets shall be in conformance with the Canby Transportation System Plan and the Public Works Design Standards.

Findings: See discussion under 16.64.010(A)(3).

- C.** The Public Works Director shall be responsible for establishing and updating appropriate alignments for all streets.

Findings: The city engineer assigned to review this proposal is reviewing street alignments.

- D.** No building permit shall be issued for the construction of a new structure within the planned right-of-way of a new street, or the appropriate setback from such a street as established in Division III.
- E.** Existing structures which were legally established within a planned road alignment or abutting setback shall be regarded as nonconforming structures.

Findings: No structures are proposed in street alignments or roadways.

F. Bikeways and bike lanes shall be provided consistent with the Bicycle Plan element of the Transportation System Plan.

G. Pedestrian facilities shall be provided consistent with the Pedestrian Plan element of the Transportation System Plan.

Findings: No bicycle lanes are adjacent to the proposed development and no new lanes are proposed or called for in the TSP. Additionally, the traffic study did not recommend any bike and pedestrian circulation improvements. The Final Findings, Conclusions, & Final Order for SUB 05-12 state in Condition #33 that shared (not striped) bike lanes are required on NW 10th Avenue. **Condition #29** re-states this condition for general knowledge.

16.86.060 Street Connectivity

When developing the street network in Canby, the emphasis should be upon a connected continuous grid pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets shall only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent plus), hazard areas, steep drainage-ways and wetlands. In such cases, deviations may be allowed but the connected continuous pattern must be reestablished once the topographic challenge is passed.

Findings: See street connectivity discussion under 16.64.010(A)(1).

16.89 Application and Review Procedures

Findings: This application is being processed in accordance with Chapter 16.89. Notice of the public hearing was mailed to owners and residents of lots within 500 feet of the subject development and to applicable agencies. Notice of the meeting was posted at the Development Services Building and City Hall and was published in the *Canby Herald*. This chapter requires a Type III process for subdivisions. A neighborhood meeting is required and was held; minutes and a sign-in sheet from the meeting are part of the Planning Commission packet. In addition, a pre-application conference was held and the minutes of the pre-application meeting are part of the Planning Commission packet.

16.120 Parks, Open Space, and Recreation Land-General Provision

16.120.020 Minimum standard for park, open space and recreation land

A. Parkland Dedication: All new residential, commercial and industrial developments shall be required to provide park, open space and recreation sites to serve existing and future residents and employees of those developments.

- 1.** The required parkland shall be dedicated as a condition of approval for:
 - a.** Approval of a tentative plat of a subdivision or partition.

The following factors shall be utilized in the City's choice of whether to accept land or cash in lieu:

1. The topography, geology, public streets access to, parcel size, shape, and location of land in the development available for dedication;
2. Relationship of site to surrounding land uses and the surrounding transportation system;
3. Potential adverse/beneficial effects on environmentally sensitive areas;
4. Compatibility with the Park and Recreation Master Plan and Park and Open Space Acquisition Plan, Public Facilities element of the Comprehensive Plan, Transportation System Plan and the City of Canby Parks Capital Improvement Plan in effect at the time of dedication;
5. Opportunity for preservation of natural and historical features, scenic viewpoints, watershed environments, and sections of land for wildlife habitat.
6. Connections with, and continuity of, open space links, trails, and other major components of the open space system for parks.
7. Availability of previously acquired property;
8. Opportunity for shared use with other community facilities;
9. Opportunity for future expansion of the site; and
10. The feasibility of dedication.

Findings: The applicant is dedicating parkland. The city accepted the proposed dedication during the processing of Phase I, subdivision master planning, and in the Development Agreement. See discussion below.

3. Calculation of a Land Required: The total requirement of park, open space and recreational land shall be 0.01 of an acre per person based on the City standard of 10 acres of land per 1,000 residents. This standard represents the land-to-population ratio the City of Canby requires for city parks, and may be adjusted periodically through amendments to the Parks and Recreation Master Plan.
 - a. Population Formula: The following table of persons per unit shall be used in calculating the required dedication of acres of land:

Table 1
Persons per Dwelling Unit

Type of Unit	Total Persons Per Unit
Single Family Residential	2.7

- b. Determination of Resident Population: The projected resident population of the land to be subdivided or developed is determined by multiplying the maximum number of units allowed by the plat or the site plan by the appropriate number of standard of persons per unit set forth in Table 1 above. This figure is then to be multiplied by 0.01 to determine the total acreage that must be dedicated or deeded to the City for park, open space or recreation

$$(Maximum\ units) \times (persons/unit) \times 0.01 \text{ (acreage to be dedicated)}$$

Findings:

- For all phases, the applicant is proposing 110 single-family residences.
- $(110 \text{ units}) \times (2.7 \text{ persons/unit}) \times (0.01 \text{ acres/person}) = 2.97 \text{ acres}$ of parkland required for this proposal
- The Development Agreement and the application state that the applicant is proposing to dedicate 2.94 “gross” acres/2.32 “net” acres
- The city accepted the proposed dedication during the processing of Phase I, subdivision master planning, and in the Development Agreement.

16.120.030 Dedication procedures

When the final plat or site plan is approved, the developer shall dedicate the land as previously determined by the City in conjunction with approval of the tentative plat or site plan. Dedication of land in conjunction with multi-family development shall be required prior to issuance of permits and commencement of construction.

Findings: The final plat shall note that the park tract is conveyed to the City of Canby for public park use; the City Council must accept this park dedication prior to construction of park improvements. The applicant shall obtain approval of park improvement plans from the Canby Parks Department and the Canby Parks and Recreation Board prior to City Council acceptance of the proposed dedication-see **Conditions #30-31**.

Dedication of land or covenants approved as part of a preliminary plat or site plan approval may be given or provided when the final plat is presented for approval. The developer must clear, or fill and grade all parkland to be dedicated to the satisfaction of the City and shall cause a Level I Environmental Assessment, as referenced by Section 16.120.020 Minimum standards for park, open space, and recreation land of this Code, to be performed on all lands to be dedicated as part of the City’s construction plan approval for the plat.

Findings: The city has determined that a Level I Environmental Assessment is not necessary for the proposed park dedication because of its well-known farmland use history. No potentially hazardous uses have historically occurred on the proposed parkland.

A. *In addition to a formal dedication on the plat or site plan to be recorded, the subdivider shall convey the required lands to the City by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be dedicated by a general warranty deed. In any of the above situations, the land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easement which, in the opinion of the Planning Director, will interfere with the use of the land for park, open space or recreational purposes.*

If any questions exist as the presence of any reservation, encumbrances or easements, the subdivider or developer may be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.

Findings: The code states above that the city wants a clear title on land dedicated to them; the county assures a clear title before plats are recorded. Per above, the applicant shall convey the proposed park dedication in a general warranty deed-see **Condition #60**.

16.120.040 Cash in lieu of dedication of land

In no case shall land dedication requirements be in excess of 15 percent of the gross land area of the development without the agreement of the developer. The decision of whether land is acceptable for use by the public for park and recreation purposes is to be made by the City Planning Commission based on the findings and planning set forth in the Canby Park and Recreation Master Plan and Acquisition Plan. Formal acceptance of parks and recreation lands required to be dedicated shall be by the City Council following any land use hearing and recommendation by the City Planning Commission. In all cases, except for PUD's, actual dedication of land shall occur prior to final plat sign-off. Dedication of land in the case of a PUD shall occur, by separate instrument, prior to commencement of construction of the project.

If land proposed for dedication to the public does not meet the criteria set forth in the Canby Park and Open Space Acquisition Plan, then at the option of the city, a park system development charge shall be required. Once calculated, the dedication of land shall remain the same, and not change, unless the original plans are altered.

Findings: Per the Development Agreement, no park SDCs will be charged for this development because the applicant is dedicating park land. The city accepted the proposed dedication during the processing of Phase I, subdivision master planning, and in the Development Agreement. Per above, the Canby City Council shall be required to formally accept the proposed park dedication; this formal acceptance shall be made prior to the start of park improvement construction (**Conditions #30-31**).

- A.** *Procedures for Land Dedication. Development applications shall include a scaled plan which identifies the sites proposed to be dedicated as park land. Parkland and recreational sites shall be clearly and accurately depicted on the final plat map and documented in the tax lot files. All phased residential subdivisions and planned unit developments shall show any proposed parkland for dedication on the overall master plan plat for the proposed development in addition to other anticipated public facilities. Such master plan as finally approved and accepted by the Planning Commission is considered binding on all future phases. Any requests by the developer to change parkland dedication for future phases must be brought back to the Commission for approval. In case of phased development where separate plats are recorded, land dedication shall occur prior to final platting of forty percent of the gross land area.*

Findings: The county assigns tax lot numbers and documents dedicated land in their tax lot files when plats are recorded. The city accepted the proposed dedication during the processing of Phase I, subdivision master planning, and in the Development Agreement. All parkland dedications for Northwoods will be recorded with Phase II; Phase III and IV do not have parkland dedications.

Tentative approval of parkland boundaries shall be made by the hearing body at the time of the public hearing on the development proposal. All sites shall be dedicated in a condition ready for full service including electrical, water, sewer and streets as is applicable to the location of the site or as necessary infrastructure and/or improvements to adjacent sites can be made at the discretion of the city. In case of phased development,

sites may be improved as each phased is developed rather than at the time of original dedication. An environmental audit sufficient to meet DEQ requirements shall be required on all parkland proposed to be dedicated to the city prior to acceptance. The cost of such an audit shall be split equally between the city and the developer.

Findings: The city has determined that a DEQ audit is not necessary for the proposed park dedication because of its well-known farmland use history. No potentially hazardous uses have historically occurred on the proposed parkland. **Conditions #30-31** ensure the proposed park dedication is dedicated in a condition ready for full service and approved by applicable persons; the final plat will not be approved until all park improvements are made or until adequate assurances are made to the city.

All lands dedicated to the city for parkland and recreational space shall be conveyed to the city either by warranty deed or be depicted on the final recorded plat as so dedicated. The conveyer shall be responsible for payment of all title searches, real estate taxes, and recording fees at the time of conveyance.

Findings: The county ensures a clear title before plats are recorded.

B. Options for Meeting System Development Charge Requirements. Any land proposed or required for parkland dedication, including improvements thereon, shall be appraised at its fair market value at the time it is dedicated to the city. The cost of the appraisal shall be divided equally between the developer and the city. This value of the property shall be credited toward the system development charge calculated for the development with the difference being the cash owed the System Development Improvement Fund. In no case may the city require more land of the developer than would be required if the entire amount of the system development charge was paid in cash. Similarly, no developer may dedicate parkland above the valuation required by the system development charge so that the city would be required to refund money to the developer unless mutually agreed upon by the city and developer.

Findings: The city accepted the proposed dedication during the processing of Phase I, subdivision master planning, and in the Development Agreement. Per the Development Agreement, no park SDCs will be charged for this development.

16.120.070 Minimum standards for open space

A. Purpose: Areas unsuitable or undesirable for development, including, but not limited to, areas containing drainageways, floodplains, identified steep slopes, significant natural features or other environmentally sensitive land may be set aside as permanent open space. No more than 25% of the required parkland dedication shall be within an identified flood plain or on an identified steep slope. The following procedures shall apply:

Findings: The applicant is not proposing to dedicate open space as defined above.

V. **PUBLIC TESTIMONY**

Notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 500 feet of the subject properties and to all applicable public agencies. All citizen and agency comments/written testimony will be presented to the Planning Commission.

VI. **CONDITIONS OF APPROVAL**

Staff concludes, with conditions, that the application will meet the requirements for approval. Some conditions of approval from Northwoods Phase I, file #SUB 05-12, are also applicable to this Phase II application; relevant conditions from SUB 05-12 are listed in the conditions below. Staff has concluded the following conditions of approval:

1. Approval of this application is based on submitted application materials and public testimony. Approval is strictly limited to the submitted proposal and is not extended to any other development of the properties. Any modification of development plans not in conformance with the approval of application file #SUB 13-01, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of this *Canby Land Development and Planning Ordinance*. Approval of this application is based on the following:
 - a. Subdivision Land Use Application and narrative
 - b. Subdivision plan pages 1-8, titled "Northwoods Estates Phase II" and dated February 2010.
 - c. Park plans titled "Landscape Plan, North Elm Street Park" and "Irrigation Plan, North Elm Street Park", dated November 2013
 - d. "Northwoods Estates Conceptual Plat Phases I, II, III & IV", dated December 2005
 - e. "Northwoods Estates, Canby OR. Conceptual Development Plan", dated December 29, 2005
 - f. Findings, Conclusions & Final Order SUB 05-12, signed and approved March 27, 2006
 - g. Northwoods Estates Development Agreement, dated January 11, 2007
 - h. All other materials and public comments submitted in conjunction with the SUB 13-01 application

Public Improvement Conditions:

General Public Improvement Conditions:

2. Prior to the start of any public improvement work, the applicant must schedule a pre-construction conference with the city and obtain construction plan sign-off from:
 - a. City of Canby Planning: Reviews plans for depiction of the conditions of approval determined by the Planning Commission
 - b. City of Canby Engineer assigned to review this proposal
 - c. Canby Public Works
 - d. Canby Fire District
 - e. Canby Utility
 - f. Northwest Natural Gas
 - g. Canby Telcom
 - h. Wave Broadband

- i. Oregon Department of Environmental Quality (DEQ)
- 3. The applicant shall submit engineered plans of all public improvements for review at the pre-construction conference, including:
 - a. Curbing, sidewalk, and planter plans
 - b. Streets plans
 - c. Street lighting plans
 - d. Street signage plans
 - e. Street striping plans
 - f. Park improvement plans
 - g. Stormwater system plans, including pervious pavement plans
 - h. Sewer system plans
 - i. Electric plans
 - j. Water/fire hydrants plans
 - k. Cable/broadband plans
 - l. Underground telephone plans
 - m. CATV plans
 - n. Natural gas plans
- 4. The applicant shall address all comments made in the consulting engineer review of this proposal (Gordon Monroe) memorandum dated 2.6.14 prior to the construction of public improvements.
- 5. The development shall comply with all applicable City of Canby Public Works Design Standards.
- 6. "NW 11th Place", currently noted as "B Street", shall be named on the final plat and on all final construction plans.
- 7. The applicant shall submit grading and erosion control plans for approval by Canby Public Works prior to the construction of public improvements. Grading of all proposed roads shall follow the natural topography and shall preserve the natural features of the site as much as possible.
- 8. A 1200c erosion control permit shall be obtained by DEQ; if DEQ does not require a 1200c permit the applicant shall submit documentation from DEQ stating that a 1200c permit is not required.
- 9. The applicant shall grade all areas of the site, including the proposed lots, to a height within one foot of the planned house foundation ground elevation.
- 10. The applicant shall negotiate any possible Transportation SDC credit exchange and determination of its suitability for a voluntary offer for the installation of traffic calming measures on N Birch Street or W Territorial Road with the City Council.
- 11. The applicant must obtain a city Street Opening Permit if the applicant wishes to install curb cuts and driveways during the construction of public improvements so that the city may verify compliance with city access spacing standards.

Fees/Assurances:

- 12. All public improvements must be installed prior to the recordation of the final plat. If the applicant wishes to forgo construction of public improvements until after the recordation of the final plat, then the applicant shall pay a bond in accordance with 16.64.070(N-P) to the city as assurance for their later installation.
- 13. If the applicant chooses to pay a bond for some or all of the required public improvements, then the applicant shall obtain a certificate from the designated city

engineer for this proposal that states:

- a. The applicant has complied with the requirements for bonding or otherwise assured completion of required public improvements.
 - b. The total cost or estimate of the total cost for the development of the subdivision. This is to be accompanied by a final bid estimate of the subdivider's contractor, if there is a contractor engaged to perform the work, and the certificate of the total cost estimate must be first approved by the designated city engineer for this proposal.
14. The applicant must guarantee all public improvement work with a maintenance bond in accordance with 16.64.070(P).
 15. The applicant must pay the city Master Fee authorized engineering plan review fee equal to 0.4% of public improvement costs prior to the construction of public improvements.

Streets & Sidewalks:

16. A roadway striping plan shall be submitted by the applicant and shall be approved by the contract city engineer for this project and by the Public Works street department prior to the construction of public improvements.
17. Roadway striping plans shall be reviewed by the contract city engineer for this project for the one way portions of N. Elm to ensure that differentiation of one way travel is clear.
18. Roadway striping shall be in accordance with the MUTCD.
19. A roadway signage plan shall be submitted by the applicant and shall be approved by the contract city engineer for this project and by the Public Works street department prior to the construction of public improvements.
20. The applicant shall be responsible for installing all required street signage at the time of construction of public improvements.
21. Roadway signage shall be in accordance with the MUTCD.
22. Parking is prohibited along the one-way portions of Elm in the form of no parking signs and/or painted curbs. The applicant shall show no parking areas in the roadway striping and street signage plans.
23. The traffic control "triangles" at each end of the park strip shall be paved with stamped concrete and have mountable curbs.
24. The bulb-out areas at Elm and NW 10th Avenue and Douglas and NW 10th Avenue shall be paved with stamped concrete.
25. The final street plans shall show that the right-of-way lines at the SW corner of 11th at Elm have a minimum corner radius of 12 feet.
26. All landscaping shall follow the vision clearance standards of 16.16.030(G)(1).
27. Relevant *Condition #32* from SUB 05-12 Findings, Conclusions & Final Order: For NW 10th Avenue the curves on the bump-outs must be designed to facilitate street sweeping.
28. Relevant *Condition #10* from SUB 05-12 Findings, Conclusions & Final Order: The following design parameters shall be met:
 - c. The minimum curb radius for and cul-de-sacs except on W 11th Place shall be 48-feet to facilitate maintenance vehicles per IFC standards.
 - d. The "K" values for vertical curves shall meet AASHTO requirements.
29. Relevant *Condition #33* from SUB 05-12 Findings, Conclusions & Final Order: Per the Transportation System Plan shared bike lanes (not striped) are required on NW 10th

Avenue and NW Territorial Road.

Park Improvements:

30. The Canby Parks and Recreation Board and the Canby Parks Department shall approve all park improvement plans prior to the start of construction of park improvements.
31. The Canby City Council shall be required to formally accept the proposed park dedication prior to the start of the construction of park improvements. The applicant shall obtain approval of park improvement plans from the Canby Parks Department and the Canby Parks and Recreation Board prior to City Council acceptance of the proposed dedication.

Water:

32. Relevant *Condition #15* from SUB 05-12 Findings, Conclusions & Final Order: Private water lines (irrigation) will not be allowed to be constructed in the public right-of-way. Private water lines may cross streets if they are in casings.
33. The applicant shall address all water comments stated in Gordon Munro's memorandum dated 2.6.14

Sewer:

34. Sanitary sewer system plans shall be approved by DEQ prior to the construction of public improvements; the applicant shall provide the city with a letter from DEQ stating their approval of sanitary sewer system plans.
35. Relevant *Condition #18* from SUB 05-12 Findings, Conclusions & Final Order: The sanitary sewer shown in an easement crossing lot 67 on the site plan shall be located in the street or as required by the Public Works supervisor.
36. Relevant *Condition #19* from SUB 05-12 Findings, Conclusions & Final Order: The end of the sanitary sewer lines on NW 12th Avenue and N Douglas Street shall have manholes to facilitate maintenance of the system.
37. Relevant *Condition #22* from SUB 05-12 Findings, Conclusions & Final Order: The sanitary sewer shall be extended to the phase line and a temporary clean out installed. This shall be done for each phase in order to facilitate the subsequent phase of the development.
38. The applicant shall address all sanitary sewer comments stated in Gordon Munro's memorandum dated 2.6.14

Stormwater:

39. Stormwater systems shall be designed in compliance with the Canby Public Works Design Standards.
40. Storm drainage plans shall be approved by DEQ prior to the construction of public improvements; the applicant shall provide the city with a letter from DEQ stating their approval of stormwater system plans. (Revisions in the storm water management plan may increase flow to previously rule authorized UIC's).
41. The applicant shall submit revised storm plans and a revised storm report that includes any proposed stormwater design changes. These plans and reports shall be reviewed and approved by the consulting engineer assigned to this project and by DEQ.
42. The applicant shall submit plans detailing permeable pavement areas; these plans

shall be inspected and approved by Canby Public Works and the consulting city engineer reviewing this project prior to the installation of public improvements.

43. The applicant shall address all stormwater comments stated in Gordon Munro's memorandum dated 2.6.14
44. Relevant *Condition #20* from SUB 05-12 Findings, Conclusions & Final Order: Subsurface evaluations in the vicinity of the proposed drainage improvements shall be conducted by a licensed hydrologist, soil scientist, geologist, or engineer.

Final plat conditions:

General Final Plat Conditions:

45. The applicant shall apply for a final plat at the city and pay any applicable city fees to gain approval of the final subdivision plat. Prior to the recordation of the final plat at Clackamas County, it must be approved by the city and all other applicable agencies. The city will distribute the final plat to applicable agencies for comment prior to signing off on the final plat. Applicable agencies may include:
 - a. City of Canby Planning: Reviews plans for depiction of the conditions of approval determined by the Planning Commission
 - b. City of Canby Engineer assigned to review this proposal
 - c. Canby Public Works
 - d. Canby Fire District
 - e. Canby Utility
 - f. Northwest Natural Gas
 - g. Canby Telcom
 - h. Wave Broadband
 - i. Oregon Department of Environmental Quality (DEQ)
46. All public improvements or assurances shall be made prior to the approval of the final plat.
47. The final plat must contain the information required in 16.68.030, 16.68.040(B), and 16.68.050. The city engineer assigned to review this subdivision or county surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
48. "NW 11th Place", currently noted as "B Street", shall be named on the final plat and on all final construction plans.
49. All "as built" of public improvements, including: curbing and sidewalks; planter strips; streets; street lighting; street signage; street striping; park improvements; storm; sewer; electric; water/fire hydrants; cable; underground telephone lines; CATV lines; and natural gas lines, shall be filed at the Canby Public Works and the Canby Planning Department within sixty days of the completion of improvements and prior to the recordation of the final plat.
50. The applicant shall record the final plat at the county within 6 months after the final plat is approved by the city.
51. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements. The subdivision plat must be recorded at Clackamas County within one year of approval of the tentative plat or the applicant must request that the Planning Director approve a six-month extension for recordation of the approved final plat.
52. The applicant or County if they agree shall provide the city with a copy of the final plat in a timely manner after is recorded at Clackamas County.

Infill Lots

53. Lots 42, 52, 54, 59, 60, and 74 shall be noted as “Infill lots subject to the infill lot standards of 16.21” on the final plat.

Easements

54. A 12 foot utility easement along all of the lot’s street frontages shall be noted on the final plat. This easement may be combined with other easements and shall be measured from the property boundary.
55. The applicant shall note any additional water line easements as required by Canby Utility on the final plat.
56. The proposed sidewalks along Elm (not adjacent to the park) are partially on private property. These areas where sidewalks are partially located on private property shall be noted with a sidewalk easement on the final plat. This easement may be combined with other easements and shall be measured from the property boundary.

Street Trees

57. The final plat shall show a 12 foot tree easement along all street frontages of all proposed parcels. This easement may be combined with other utility and sidewalk easements and shall be measured from the property boundary.
58. The applicant shall pay the city fee for city establishment of street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code. This fee shall include trees to be planted along the planter strips along NW 10th Avenue. All street tree fees shall be paid prior to the recordation of the final plat.

Park Dedication

59. The final plat shall note that the park tract is conveyed to the City of Canby for public park use.
60. The applicant shall convey the proposed park dedication in a general warranty deed.

Monumentation/Survey Accuracy Conditions

61. Lot and perimeter monumentation shall be approved by the County Surveyor and/or the city engineer assigned to review this project.
62. The County Surveyor and/or the city engineer assigned to review this project shall verify that the standards of 16.64.070(M) are met prior to the recordation of the final plat.
63. Monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92. The city engineer assigned to review this subdivision or county surveyor prior to the recordation of the subdivision plat.
64. Installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense. The city engineer assigned to review this subdivision or county surveyor shall confirm required monuments prior to the recordation of the subdivision plat.

Residential Building Permits Conditions:

- 65.** Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
- 66.** The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home.
- 67.** The homebuilder shall apply for a City of Canby Erosion Control Permit.
- 68.** All residential construction shall be in accordance with applicable Public Works Design Standards.
- 69.** On-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
- 70.** Prior to the issuance of a City Site Plan Review permit, final construction plans must be approved by the city. This includes, but is not limited to, approval by:
 - a.** City of Canby Planning: Reviews plans for depiction of the conditions of approval determined by the Planning Commission and for setback, height, etc. requirements
 - b.** City of Canby Engineer assigned to review this proposal
 - c.** Canby Public Works
- 71.** Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction. The applicable building permits are required prior to construction of each home.
- 72.** Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveways widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages.
- 73.** Lots 42, 52, 54, 59, 60, and 74 are subject to the infill standards of 16.21.050; building permit applications for these lots shall include the distances from lot lines to neighboring residences as well as existing heights and setbacks of the neighboring buildings.
- 74.** Lots 52, 53, and 54 shall have fire sprinklers installed per IFC and IBC standards.
- 75.** Relevant *Condition #13* from SUB 05-12 Findings, Conclusions & Final Order: The building plans for the following lots shall show front yard and dwelling orientation towards N Elm St: Lots 44, 45, 46, 47, 48, 49, 62, 63, 64, 65, 66, and 67.
- 76.** Relevant *Condition #14* from SUB 05-12 Findings, Conclusions & Final Order: The following access restrictions shall apply to certain lots: Lots 45, 47, 48 and 62 shall access 12th Avenue only. Lots 63 and 64 shall access 11th Avenue only. Lots 57 and 67 shall access 10th Avenue only. Lots 56 and 57 shall access the cul-de-sac labeled "B" street only.
- 77.** Relevant *Condition #29* from SUB 05-12 Findings, Conclusions & Final Order: Five (5) foot sidewalks inclusive of curb shall be constructed along all street frontages. Where mailboxes, fire hydrants or other obstructions must be located at the curb, sidewalks shall swing away from the curb such that the walkway remains unobstructed for a full five-foot width. Sidewalks shall as shown on the approved site plans.

VII. **Decision**

Based on the application submitted and the facts, findings, and conclusions of this report, Staff recommends that the Planning Commission **approve** Subdivision File #SUB 13-01 pursuant to the Conditions of Approval presented in this Staff Report in Section VI.

Sample motion: I move to approve Subdivision File #SUB 13-01 pursuant to the Conditions of Approval presented in this Staff Report in Section VI.